

fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative

Yeas	392
Nays	0
Answered present	1

¶76.15 [Roll No. 342]

YEAS—392

Abercrombie	Delahunt	Jackson (IL)
Ackerman	DeLauro	Jackson-Lee
Aderholt	DeLay	(TX)
Allen	Deutsch	Jefferson
Andrews	Diaz-Balart	Jenkins
Armey	Dickey	John
Bachus	Dingell	Johnson (CT)
Baesler	Dixon	Johnson (WI)
Baker	Doggett	Johnson, E. B.
Baldacci	Dooley	Johnson, Sam
Ballenger	Doolittle	Jones
Barcia	Doyle	Kanjorski
Barr	Dreier	Kaptur
Barrett (NE)	Duncan	Kasich
Barrett (WI)	Dunn	Kelly
Bartlett	Edwards	Kennedy (MA)
Barton	Ehlers	Kennedy (RI)
Bass	Ehrlich	Kennelly
Bateman	Emerson	Kildee
Becerra	Engel	Kilpatrick
Bentsen	English	Kim
Bereuter	Ensign	Kind (WI)
Berman	Eshoo	King (NY)
Berry	Etheridge	Kingston
Bilbray	Everett	Klecza
Bilirakis	Ewing	Klug
Bishop	Farr	Knollenberg
Blagojevich	Fattah	Kolbe
Bliley	Fawell	Kucinich
Blumenauer	Fazio	LaFalce
Blunt	Filner	LaHood
Boehlert	Foley	Lampson
Boehner	Forbes	Lantos
Bonilla	Ford	Largent
Bonior	Fossella	Latham
Bono	Fowler	LaTourette
Borski	Fox	Lazio
Boswell	Frank (MA)	Leach
Boucher	Franks (NJ)	Lee
Boyd	Frelinghuysen	Levin
Brady (PA)	Frost	Lewis (CA)
Brady (TX)	Gallegly	Lewis (GA)
Brown (CA)	Ganske	Lewis (KY)
Brown (FL)	Gejdenson	Lipinski
Brown (OH)	Gekas	Livingston
Bryant	Gephardt	LoBiondo
Bunning	Gibbons	Lofgren
Burr	Gilchrest	Lowe
Callahan	Gillmor	Lucas
Calvert	Gilman	Luther
Camp	Goode	Maloney (CT)
Campbell	Goodlatte	Maloney (NY)
Canady	Gordon	Manzullo
Capps	Goss	Markey
Cardin	Graham	Mascara
Carson	Green	Matsui
Castle	Gutierrez	McCarthy (MO)
Chabot	Gutknecht	McCarthy (NY)
Chambliss	Hall (OH)	McCollum
Chenoweth	Hall (TX)	McCrery
Christensen	Hamilton	McDade
Clay	Hansen	McDermott
Clayton	Harman	McGovern
Clement	Hastert	McHale
Clyburn	Hastings (WA)	McHugh
Coble	Hayworth	McInnis
Coburn	Hefley	McIntosh
Collins	Herger	McKeon
Combest	Hill	McNulty
Cook	Hilleary	Meehan
Cooksey	Hilliard	Meek (FL)
Costello	Hinchey	Meeks (NY)
Cox	Hobson	Menendez
Coyne	Hoekstra	Metcalf
Crane	Holden	Mica
Crapo	Hooley	Millender-
Cubin	Horn	McDonald
Cummings	Hostettler	Miller (CA)
Cunningham	Houghton	Miller (FL)
Danner	Hoyer	Minge
Davis (FL)	Hulshof	Mink
Davis (IL)	Hunter	Mollohan
Davis (VA)	Hutchinson	Moran (KS)
Deal	Hyde	Moran (VA)
DeFazio	Inglis	Morella
DeGette	Istook	Myrick

Neal	Rogan	Stokes
Nethercutt	Rogers	Strickland
Neumann	Rohrabacher	Stump
Ney	Ros-Lehtinen	Stupak
Northup	Rothman	Sununu
Norwood	Roukema	Talent
Nussle	Roybal-Allard	Tanner
Oberstar	Royce	Tauscher
Obey	Rush	Tauzin
Oliver	Ryun	Taylor (MS)
Ortiz	Sabo	Taylor (NC)
Owens	Salmon	Thomas
Oxley	Sanchez	Thompson
Packard	Sanders	Thornberry
Pallone	Sandlin	Thune
Pappas	Sanford	Thurman
Parker	Sawyer	Tiahrt
Pascrell	Saxton	Tierney
Pastor	Schaefer, Dan	Torres
Paul	Schaffer, Bob	Trafficant
Paxon	Scott	Turner
Payne	Sensenbrenner	Upton
Pease	Serrano	Velazquez
Pelosi	Sessions	Vento
Peterson (MN)	Shadegg	Visclosky
Peterson (PA)	Shaw	Walsh
Petri	Shays	Wamp
Pickering	Sherman	Waters
Pickett	Shimkus	Watt (NC)
Pitts	Sisisky	Watts (OK)
Pombo	Skaggs	Weldon (FL)
Pomeroy	Skeen	Weldon (PA)
Porter	Skelton	Weller
Portman	Smith (NJ)	Wexler
Pryce (OH)	Smith (TX)	Weygand
Quinn	Smith, Adam	White
Radanovich	Smith, Linda	Whitfield
Rahall	Snowbarger	Wicker
Ramstad	Snyder	Wilson
Redmond	Solomon	Wise
Regula	Souder	Wolf
Reyes	Spence	Woolsey
Riley	Spratt	Wynn
Rivers	Stabenow	Yates
Rodriguez	Stearns	
Roemer	Stenholm	

ANSWERED "PRESENT"—1

Burton

NOT VOTING—41

Archer	Hefner	Riggs
Buyer	Hinojosa	Scarborough
Cannon	Klink	Schumer
Condit	Linder	Shuster
Conyers	Manton	Slaughter
Cramer	Martinez	Smith (MI)
Dicks	McIntyre	Smith (OR)
Evans	McKinney	Stark
Furse	Moakley	Towns
Gonzalez	Murtha	Watkins
Goodling	Nadler	Waxman
Granger	Poshard	Young (AK)
Greenwood	Price (NC)	Young (FL)
Hastings (FL)	Rangel	

So the motion to adjourn was agreed to.

Accordingly,

At 2 o'clock and 59 minutes p.m., the House adjourned.

¶76.16 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 3891. A bill to amend the Trademark Act of 1946 to prohibit the unauthorized destruction, modification, or alteration of product identification codes, and for other purposes; with an amendment (Rept. No. 105-650). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 510. Resolution providing for consideration of the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 105-651). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 511. Resolution waiving

points of order against the conference report to accompany the bill (H.R. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact (Rept. No. 105-652). Referred to the House Calendar.

¶76.17 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LOBIONDO:

H.R. 4340. A bill to require certain notices in any mailing using a game of chance for the promotion of a product or service, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. BOB SCHAFFER:

H.R. 4341. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. TRAFICANT:

H. Con. Res. 312. Concurrent resolution expressing the sense of the Congress regarding the right of the Albanian People of Kosova to self-determination and independence from the repressive, authoritarian, and barbaric Serbian regime of Slobodan Milosevic, and for other purposes; to the Committee on International Relations.

¶76.18 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1134: Mr. DELAHUNT.
H.R. 1202: Mr. ADAM SMITH of Washington.
H.R. 1362: Ms. WILSON.
H.R. 1401: Ms. DANNER.
H.R. 2031: Mr. WYNN.
H.R. 2537: Mr. DOYLE.
H.R. 2613: Mr. ENGLISH of Pennsylvania.
H.R. 3411: Ms. WILSON, Mr. WELDON of Pennsylvania, and Mr. HILLIARD.
H.R. 3500: Mrs. KENNELLY of Connecticut.
H.R. 3506: Mr. COOKSEY, Mr. ARMEY, Mr. CLEMENT, Mr. BILIRAKIS, and Ms. WILSON.
H.R. 3652: Ms. JACKSON-LEE, Mr. WEXLER, and Mr. LAMPSON.
H.R. 3821: Mr. HYDE, Mr. GREEN, and Mr. DICKEY.
H.R. 3905: Mr. PASCRELL.
H.R. 3988: Mr. LEWIS of Georgia, Ms. LOFGREN, and Ms. KAPTUR.
H.R. 4028: Mr. MCCRERY, Mr. MALONEY of Connecticut, and Mr. MCGOVERN.
H.R. 4046: Mr. LEWIS of Georgia.
H.R. 4149: Mr. HILLIARD.
H.R. 4196: Mr. SESSIONS and Mr. CAMPBELL.
H.R. 4213: Mr. SAM JOHNSON.
H.R. 4220: Ms. CARSON.
H.R. 4257: Mr. KLINK.
H.R. 4281: Mr. FOLEY.
H.R. 4283: Mr. FARR of California, Mr. PAYNE, Mr. HILLIARD, and Mrs. MEEK of Florida.
H.R. 4285: Mrs. JOHNSON of Connecticut.
H. Con. Res. 239: Ms. LOFGREN.
H. Con. Res. 254: Mr. DOOLITTLE and Mrs. ROUKEMA.
H. Res. 218: Mr. SPRATT.

WEDNESDAY, JULY 29, 1998 (77)

The House was called to order by the SPEAKER.

¶77.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, July 28, 1998.

Pursuant to clause 1, rule I, the Journal was approved.

177.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

10359. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Subordination of Direct Loan Security to Secure a Guaranteed Line of Credit; Correction (RIN: 0560-AE92) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10360. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement [DFARS Case 97-D012] received July 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

10361. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Resolution and Receivership Rules (RIN: 3064-AB92) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10362. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Department of Health and Human Services, transmitting the Administration's final rule—Oral Dosage Form New Animal Drugs; Bacitracin Methylene Disalicylate Soluble [21 CFR Part 520] received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10363. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado; 1993 Periodic Carbon Monoxide Emission Inventories For Colorado [CO-001-0024a; FRL-6124-4] received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10364. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption And Water Use Of Certain Home Appliances And Other Products Required Under The Energy Policy And Conservation Act ("Appliance Labeling Rule") received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10365. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F-0405] received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10366. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 94F-0040] received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10367. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations; Clarifying Amendments and Corrections (RIN: 3150-AE07) received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10368. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List; Additions—received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10369. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Public Availability of Information; Electronic FOIA Amendment [Docket No. OST-96-1430; Amdt. 1] (RIN: 2105-AC69) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10370. A letter from the Deputy Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Management Measures for Nontrawl Sablefish [Docket No. 980406085-8164-01; I.D. 031198C] (RIN: 0648-AJ27) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10371. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Indiana Regulatory Program [SPATS No. IN-130-FOR; State Program Amendment No. 95-8] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10372. A letter from the Chief, Regulations Division Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Posting of Signs and Written Notification to Purchasers of Handguns [T.D. ATF-402; Ref: Notice No. 855] (RIN: 1512-AB68) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10373. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 98-NM-209-AD; Amendment 39-10665; AD 98-15-14] (RIN: 2120-AA64) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10374. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29280; Amdt. No. 1878] (RIN: 2120-AA65) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10375. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29281; Amdt. No. 1879] (RIN: 2120-AA65) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10376. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 98-NM-133-AD; Amendment 39-10662; AD 98-15-11] (RIN: 2120-AA64) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10377. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Porterville, CA [Airspace Docket No. 98-AWP-2] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10378. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Ukiah, CA [Airspace Docket No. 98-AWP-11] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10379. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D and Establishment of Class E Airspace; Yuma MCAS-Yuma International Airport, AZ; Correction [Airspace Docket No. 98-AWP-14] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10380. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29282; Amdt. No. 1880] (RIN: 2120-AA65) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10381. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 98-NM-117-AD; Amendment 39-10661; AD 98-15-10] (RIN: 2120-AA64) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10382. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes [Docket No. 98-NM-149-AD; Amendment 39-10663; AD 98-15-12] (RIN: 2120-AA64) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10383. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 96-NM-230-AD; Amendment 39-10658; AD 98-15-07] (RIN: 2120-AA64) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10384. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146-RJ Series Airplanes [Docket No. 97-NM-02-AD; Amendment 39-10659; AD 98-15-08] (RIN: 2120-AA64) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10385. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320-111 and -211 Series Airplanes [Docket No. 97-NM-160-AD; Amendment 39-10660; AD 98-15-09] (RIN: 2120-AA64) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10386. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 and Model A321 Series Airplanes [Docket No. 94-NM-94-AD; Amendment 39-10657; AD 98-15-06] (RIN: 2120-AA64) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10387. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company 90, 100, 200, and 300 Series Airplanes [Docket No. 97-CE-92-AD; Amendment 39-10664; AD 98-15-

13] (RIN: 2120-AA64) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10388. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to the Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Organic Pesticide Chemicals Manufacturing Industry—Pesticide Chemicals Point Source Category [FRL-6126-6] received July 23, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10389. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Small Business Investment Companies [13 CFR Part 107] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

10390. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Payment for Non-VA Physician Services Associated with Either Outpatient or Inpatient Care Provided at Non-VA Facilities (RIN: 2900-AH66) received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10391. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and BONDS [31 CFR Part 356] received July 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10392. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules and Regulations [Revenue Ruling 98-37] received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10393. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment Of Loans With Below-Market Interest Rates [Revenue Ruling 98-34] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶77.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1151.—An Act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

¶77.4 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 629

Ms. PRYCE, by direction of the Committee on Rules, called up the following resolution (H. Res. 511):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact. All points of order against the conference report and against its consideration are waived.

When said resolution was considered. After debate,

On motion of Ms. PRYCE, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. DICKER, announced that the yeas had it.

Mr. DOGGETT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 313
affirmative { Nays 108

¶77.5

[Roll No. 343]

YEAS—313

Aderholt	Dickey	Johnson, E. B.
Allen	Dicks	Johnson, Sam
Archer	Dingell	Jones
Army	Dooley	Kasich
Bachus	Doolittle	Kelly
Baesler	Dreier	Kennedy (RI)
Baker	Duncan	Kennelly
Baldacci	Dunn	Kildee
Ballenger	Edwards	Kim
Barcia	Ehlers	Kind (WI)
Barr	Ehrlich	King (NY)
Barrett (NE)	Emerson	Kingston
Barrett (WI)	English	Kleczka
Bartlett	Everett	Klink
Barton	Ewing	Klug
Bass	Fawell	Knollenberg
Bateman	Fazio	Kolbe
Bentsen	Foley	LaHood
Bereuter	Forbes	Lampson
Berry	Fossella	Largent
Bilbray	Fowler	Latham
Bilirakis	Fox	LaTourette
Bishop	Frank (MA)	Lazio
Bliley	Franks (NJ)	Leach
Blumenauer	Frelinghuysen	Levin
Blunt	Frost	Lewis (CA)
Boehlert	Galleghy	Lewis (KY)
Boehner	Ganske	Linder
Bono	Gekas	Lipinski
Boswell	Gephardt	Livingston
Boucher	Gilchrist	LoBiondo
Boyd	Gillmor	Lucas
Brady (TX)	Gilman	Maloney (CT)
Brown (FL)	Goode	Manton
Brown (OH)	Goodlatte	Manzullo
Bryant	Goodling	Martinez
Bunning	Gordon	Mascara
Burr	Goss	McCarthy (MO)
Burton	Graham	McCarthy (NY)
Buyer	Granger	McColum
Callahan	Green	McCrery
Calvert	Greenwood	McHale
Camp	Gutknecht	McHugh
Campbell	Hall (OH)	McInnis
Canady	Hall (TX)	McIntosh
Cannon	Hamilton	McIntyre
Carson	Hansen	McKeon
Castle	Harman	Metcalf
Chabot	Hastert	Mica
Chambliss	Hastings (WA)	Miller (FL)
Chenoweth	Hayworth	Minge
Christensen	Hefley	Mollohan
Clement	Hefner	Moran (KS)
Coble	Herger	Moran (VA)
Coburn	Hill	Morella
Collins	Hilleary	Murtha
Combest	Hobson	Myrick
Condit	Hoekstra	Nethercutt
Cook	Horn	Neumann
Cooksey	Hostettler	Ney
Costello	Houghton	Northup
Cox	Hoyer	Norwood
Cramer	Hulshof	Nussle
Crane	Hutchinson	Oberstar
Crapo	Hyde	Obey
Cunningham	Inglis	Oxley
Danner	Istook	Packard
Davis (FL)	Jackson-Lee	Pallone
Davis (VA)	(TX)	Pappas
Deal	Jenkins	Parker
DeGette	John	Paul
DeLay	Johnson (CT)	Paxon
Diaz-Balart	Johnson (WI)	Pease

Peterson (MN)	Sandlin	Sununu
Peterson (PA)	Sanford	Talent
Petri	Saxton	Tanner
Pickering	Scarborough	Tauscher
Pickett	Schaefer, Dan	Tauzin
Pitts	Schaffer, Bob	Taylor (MS)
Pombo	Sensenbrenner	Taylor (NC)
Pomeroy	Sessions	Thomas
Porter	Shadegg	Thornberry
Portman	Shaw	Thune
Pryce (OH)	Shays	Thurman
Quinn	Shimkus	Tiahrt
Radanovich	Shuster	Trafficant
Rahall	Sisisky	Turner
Ramstad	Skaggs	Upton
Redmond	Skelton	Vento
Regula	Smith (MI)	Visclosky
Riggs	Smith (NJ)	Walsh
Riley	Smith (OR)	Wamp
Rivers	Smith (TX)	Watkins
Roemer	Smith, Adam	Watts (OK)
Rogan	Smith, Linda	Weldon (FL)
Rogers	Snowbarger	Weldon (PA)
Rohrabacher	Snyder	Weller
Ros-Lehtinen	Solomon	White
Roukema	Souder	Whitfield
Royce	Spence	Wicker
Ryun	Spratt	Wilson
Sabo	Stearns	Wise
Salmon	Stenholm	Wolf
Sanchez	Stump	Young (AK)
Sanders	Stupak	

NAYS—108

Abercrombie	Hastings (FL)	Owens
Ackerman	Hilliard	Pascarell
Andrews	Hinchey	Pastor
Becerra	Holden	Payne
Berman	Hooley	Pelosi
Blagojevich	Jackson (IL)	Poshard
Bonilla	Jefferson	Rangel
Bonior	Kanjorski	Reyes
Borski	Kennedy (MA)	Rodriguez
Brady (PA)	Kilpatrick	Rothman
Brown (CA)	Kucinich	Roybal-Allard
Capps	LaFalce	Rush
Cardin	Lantos	Sawyer
Clay	Lee	Schumer
Clyburn	Lewis (GA)	Scott
Conyers	Lofgren	Serrano
Coyne	Lowe	Sherman
Cummings	Luther	Skeen
Davis (IL)	Maloney (NY)	Slaughter
DeFazio	Markey	Stabenow
Delahunt	Matsui	Stark
DeLauro	McDermott	Stokes
Deutsch	McGovern	Strickland
Dixon	McKinney	Thompson
Doggett	McNulty	Tierney
Doyle	Meehan	Torres
Ensign	Meek (FL)	Velazquez
Eshoo	Meeks (NY)	Waters
Evans	Menendez	Watt (NC)
Farr	Millender	Waxman
Fattah	McDonald	Wexler
Filner	Miller (CA)	Weygand
Ford	Mink	Woolsey
Furse	Nadler	Wynn
Gejdenson	Neal	Yates
Gibbons	Olver	
Gutierrez	Ortiz	

NOT VOTING—13

Clayton	Hinojosa	Price (NC)
Cubin	Hunter	Towns
Engel	Kaptur	Young (FL)
Etheridge	McDade	
Gonzalez	Moakley	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶77.6 MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶77.7 TEXAS LOW-LEVEL RADIOACTIVE WASTEDISPOSAL COMPACT

Mr. Dan SCHAEFER of Colorado, pursuant to House Resolution 511,

called up the following conference report (Rept. No. 105-630):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 629), to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Texas Low-Level Radioactive Waste Disposal Compact Consent Act".

SEC. 2. CONGRESSIONAL FINDING.

The Congress finds that the compact set forth in section 5 is in furtherance of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.).

SEC. 3. CONDITIONS OF CONSENT TO COMPACT.

The consent of the Congress to the compact set forth in section 5—

(1) shall become effective on the date of the enactment of this Act;

(2) is granted subject to the provisions of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted only for so long as the regional commission established in the compact complies with all of the provisions of such Act.

SEC. 4. CONGRESSIONAL REVIEW.

The Congress may alter, amend, or repeal this Act with respect to the compact set forth in section 5 after the expiration of the 10-year period following the date of the enactment of this Act, and at such intervals thereafter as may be provided in such compact.

SEC. 5. TEXAS LOW-LEVEL RADIOACTIVE WASTE COMPACT.

(a) CONSENT OF CONGRESS.—In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of Congress is given to the States of Texas, Maine, and Vermont to enter into the compact set forth in subsection (b).

(b) TEXT OF COMPACT.—The compact reads substantially as follows:

"TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT

"ARTICLE I. POLICY AND PURPOSE

"SEC. 1.01. The party states recognize a responsibility for each state to seek to manage low-level radioactive waste generated within its boundaries, pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b-2021j). They also recognize that the United States Congress, by enacting the Act, has authorized and encouraged states to enter into compacts for the efficient management and disposal of low-level radioactive waste. It is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment and to provide for and encourage the economical management and disposal of low-level radioactive waste. It is the purpose of this compact to provide the framework for such a cooperative effort; to promote the health, safety, and welfare of the citizens and the environment of the party states; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to en-

courage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states; all in accordance with the terms of this compact.

"ARTICLE II. DEFINITIONS

"SEC. 2.01. As used in this compact, unless the context clearly indicates otherwise, the following definitions apply:

"(1) 'Act' means the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b-2021j).

"(2) 'Commission' means the Texas Low-Level Radioactive Waste Disposal Compact Commission established in Article III of this compact.

"(3) 'Compact facility' or 'facility' means any site, location, structure, or property located in and provided by the host state for the purpose of management or disposal of low-level radioactive waste for which the party states are responsible.

"(4) 'Disposal' means the permanent isolation of low-level radioactive waste pursuant to requirements established by the United States Nuclear Regulatory Commission and the United States Environmental Protection Agency under applicable laws, or by the host state, means to produce low-level radioactive waste.

"(6) 'Generator' means a person who produces or processes low-level radioactive waste in the course of its activities, excluding persons who arrange for the collection, transportation, management, treatment, storage, or disposal of waste generated outside the party states, unless approved by the commission.

"(7) 'Host county' means a county in the host state in which a disposal facility is located or is being developed.

"(8) 'Host state' means a party state in which a compact facility is located or is being developed. The State of Texas is the host state under this compact.

"(9) 'Institutional control period' means that period of time following closure of the facility and transfer of the facility license from the operator to the custodial agency in compliance with the appropriate regulations for long-term observation and maintenance.

"(10) 'Low-level radioactive waste' has the same meaning as that term is defined in Section 2(9) of the Act (42 U.S.C. 2021b(9)), or in the host state statute so long as the waste is not incompatible with management and disposal at the compact facility.

"(11) 'Management' means collection, consolidation, storage, packaging, or treatment.

"(12) 'Operator' means a person who operates a disposal facility.

"(13) 'Party state' means any state that has become a party in accordance with Article VII of this compact. Texas, Maine, and Vermont are initial party states under this compact.

"(14) 'Person' means an individual, corporation, partnership or other legal entity, whether public or private.

"(15) 'Transporter' means a person who transports low-level radioactive waste.

"ARTICLE III. THE COMMISSION

"SEC. 3.01. There is hereby established the Texas Low-Level Radioactive Waste Disposal Compact Commission. The commission shall consist of one voting member from each party state except that the host state shall be entitled to six voting members. Commission members shall be appointed by the party state governors, as provided by the laws of each party state. Each party state may provide alternates for each appointed member.

"SEC. 3.02. A quorum of the commission consists of a majority of the members. Except as otherwise provided in this compact, an official act of the commission must re-

ceive the affirmative vote of a majority of its members.

"SEC. 3.03. The commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution. Members of the commission shall not be personally liable for actions taken in their official capacity. The liabilities of the commission shall not be deemed liabilities of the party states.

"SEC. 3.04. The commission shall:

"(1) Compensate its members according to the host state's law.

"(2) Conduct its business, hold meetings, and maintain public records pursuant to laws of the host state, except that notice of public meetings shall be given in the non-host party states in accordance with their respective statutes.

"(3) Be located in the capital city of the host state.

"(4) Meet at least once a year and upon the call of the chair, or any member. The governor of the host state shall appoint a chair and vice-chair.

"(5) Keep an accurate account of all receipts and disbursements. An annual audit of the books of the commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the commission.

"(6) Approve a budget each year and establish a fiscal year that conforms to the fiscal year of the host state.

"(7) Prepare, adopt, and implement contingency plans for the disposal and management of low-level radioactive waste in the event that the compact facility should be closed. Any plan which requires the host state to store or otherwise manage the low-level radioactive waste from all the party states must be approved by at least four host state members of the commission. The commission, in a contingency plan or otherwise, may not require a non-host party state to store low-level radioactive waste generated outside of the state.

"(8) Submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the commission, including an annual report to be submitted on or before January 31 of each year.

"(9) Assemble and make available to the party states, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.

"(10) Keep a current inventory of all generators within the party states, based upon information provided by the party states.

"(11) By no later than 180 days after all members of the commission are appointed under Section 3.01 of this article, establish by rule the total volume of low-level radioactive waste that the host state will dispose of in the compact facility in the years 1995-2045, including decommissioning waste. The shipments of low-level radioactive waste from all non-host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period. When averaged over such 50-year period, the total of all shipments from non-host party states shall not exceed 20,000 cubic feet a year. The commission shall coordinate the volumes, timing, and frequency of shipments from generators in the non-host party states in order to assure that over the life of this agreement shipments from the non-host party states do not exceed 20 percent of the volume projected by the commission under this paragraph.

"SEC. 3.05. The commission may:

"(1) Employ staff necessary to carry out its duties and functions. The commission is authorized to use to the extent practicable

the services of existing employees of the party states. Compensation shall be as determined by the commission.

"(2) Accept any grants, equipment, supplies, materials, or services, conditional or otherwise, from the federal or state government. The nature, amount and condition, if any, of any donation, grant or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the annual report of the commission.

"(3) Enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the commission shall bind a party state.

"(4) Adopt, by a majority vote, bylaws and rules necessary to carry out the terms of this compact. Any rules promulgated by the commission shall be adopted in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

"(5) Sue and be sued and, when authorized by a majority vote of the members, seek to intervene in administrative or judicial proceedings related to this compact.

"(6) Enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal, provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable.

"(7) Upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level waste to a low-level radioactive waste disposal facility located outside the party states. The commission may approve the petition only by a majority vote of its members. The permission to export low-level radioactive waste shall be effective for that period of time and for the specified amount of low-level radioactive waste, and subject to any other term or condition, as is determined by the commission.

"(8) Monitor the exportation outside of the party states of material, which otherwise meets the criteria of low-level radioactive waste, where the sole purpose of the exportation is to manage or process the material for recycling or waste reduction and return it to the party states for disposal in the compact facility.

"SEC. 3.06. Jurisdiction and venue of any action contesting any action of the commission shall be in the United States District Court in the district where the commission maintains its office.

"ARTICLE IV. RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF PARTY STATES

"SEC. 4.01. The host state shall develop and have full administrative control over the development, management and operation of a facility for the disposal of low-level radioactive waste generated within the party states. The host state shall be entitled to unlimited use of the facility over its operating life. Use of the facility by the non-host party states for disposal of low-level radioactive waste, including such waste resulting from decommissioning of any nuclear electric generation facilities located in the party states, is limited to the volume requirements of Section 3.04(11) of Article III.

"SEC. 4.02. Low-level radioactive waste generated within the party states shall be disposed of only at the compact facility, except as provided in Section 3.05(7) of Article III.

"SEC. 4.03. The initial states of this compact cannot be members of another low-level radioactive waste compact entered into pursuant to the Act.

"SEC. 4.04. The host state shall do the following:

"(1) Cause a facility to be developed in a timely manner and operated and maintained through the institutional control period.

"(2) Ensure, consistent with any applicable federal and host state laws, the protection and preservation of the environment and the public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning, and long-term care of the disposal facilities within the host state.

"(3) Close the facility when reasonably necessary to protect the public health and safety of its citizens or to protect its natural resources from harm. However, the host state shall notify the commission of the closure within three days of its action and shall, within 30 working days of its action, provide a written explanation to the commission of the closure, and implement any adopted contingency plan.

"(4) Establish reasonable fees for disposal at the facility of low-level radioactive waste generated in the party states based on disposal fee criteria set out in Sections 402.272 and 402.273, Texas Health and Safety Code. The same fees shall be charged for the disposal of low-level radioactive waste that was generated in the host state and in the non-host party states. Fees shall also be sufficient to reasonably support the activities of the Commission.

"(5) Submit an annual report to the commission on the status of the facility, including projections of the facility's anticipated future capacity, and on the related funds.

"(6) Notify the Commission immediately upon the occurrence of any event which could cause a possible temporary or permanent closure of the facility and identify all reasonable options for the disposal of low-level radioactive waste at alternate compact facilities or, by arrangement and Commission vote, at noncompact facilities.

"(7) Promptly notify the other party states of any legal action involving the facility.

"(8) Identify and regulate, in accordance with federal and host state law, the means and routes of transportation of low-level radioactive waste in the host state.

"SEC. 4.05. Each party state shall do the following:

"(1) Develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for the facility to conform to packaging, processing, and waste form specifications of the host state.

"(2) Maintain a registry of all generators within the state that may have low-level radioactive waste to be disposed of at a facility, including, but not limited to, the amount of low-level radioactive waste and the class of low-level radioactive waste generated by each generator.

"(3) Develop and enforce procedures requiring generators within its borders to minimize the volume of low-level radioactive waste requiring disposal. Nothing in this compact shall prohibit the storage, treatment, or management of waste by a generator.

"(4) Provide the commission with any data and information necessary for the implementation of the commission's responsibilities, including taking those actions necessary to obtain this data or information.

"(5) Pay for community assistance projects designated by the host county in an amount for each non-host party state equal to 10 percent of the payment provided for in Article V for each such state. One-half of the payment shall be due and payable to the host county on the first day of the month following ratification of this compact agreement by Congress and one-half of the payment shall be due and payable on the first day of the month following the approval of a facility

operating license by the host state's regulatory body.

"(6) Provide financial support for the commission's activities prior to the date of facility operation and subsequent to the date of congressional ratification of this compact under Section 7.07 of Article VII. Each party state will be responsible for annual payments equalling its pro-rata share of the commission's expenses, incurred for administrative, legal, and other purposes of the commission.

"(7) If agreed by all parties to a dispute, submit the dispute to arbitration or other alternate dispute resolution process. If arbitration is agreed upon, the governor of each party state shall appoint an arbitrator. If the number of party states is an even number, the arbitrators so chosen shall appoint an additional arbitrator. The determination of a majority of the arbitrators shall be binding on the party states. Arbitration proceedings shall be conducted in accordance with the provisions of 9 U.S.C. Sections 1 to 16. If all parties to a dispute do not agree to arbitration or alternate dispute resolution process, the United States District Court in the district where the commission maintains its office shall have original jurisdiction over any action between or among parties to this compact.

"(8) Provide on a regular basis to the commission and host state—

"(A) an accounting of waste shipped and proposed to be shipped to the compact facility, by volume and curies;

"(B) proposed transportation methods and routes; and

"(C) proposed shipment schedules.

"(9) Seek to join in any legal action by or against the host state to prevent nonparty states or generators from disposing of low-level radioactive waste at the facility.

"SEC. 4.06. Each party state shall act in good faith and may rely on the good faith performance of the other party states regarding requirements of this compact.

"ARTICLE V. PARTY STATE CONTRIBUTIONS

"SEC. 5.01. Each party state, except the host state, shall contribute a total of \$25 million to the host state. Payments shall be deposited in the host state treasury to the credit of the low-level waste fund in the following manner except as otherwise provided. Not later than the 60th day after the date of congressional ratification of this compact, each non-host party state shall pay to the host state \$12.5 million. Not later than the 60th day after the date of the opening of the compact facility, each non-host party state shall pay to the host state an additional \$12.5 million.

"SEC. 5.02. As an alternative, the host state and the non-host states may provide for payments in the same total amount as stated above to be made to meet the principal and interest expense associated with the bond indebtedness or other form of indebtedness issued by the appropriate agency of the host state for purposes associated with the development, operation, and post-closure monitoring of the compact facility. In the event the member states proceed in this manner, the payment schedule shall be determined in accordance with the schedule of debt repayment. This schedule shall replace the payment schedule described in Section 5.01 of this article.

"ARTICLE VI. PROHIBITED ACTS AND PENALTIES

"SEC. 6.01. No person shall dispose of low-level radioactive waste generated within the party states unless the disposal is at the compact facility, except as otherwise provided in Section 3.05(7) of Article III.

"SEC. 6.02. No person shall manage or dispose of any low-level radioactive waste within the party states unless the low-level radioactive waste was generated within the

party states, except as provided in Section 3.05(6) of Article III. Nothing herein shall be construed to prohibit the storage or management of low-level radioactive waste by a generator, nor its disposal pursuant to 10 C.F.R. Part 20.302.

"SEC. 6.03. Violations of this article may result in prohibiting the violator from disposing of low-level radioactive waste in the compact facility, or in the imposition of penalty surcharges on shipments to the facility, as determined by the commission.

"ARTICLE VII. ELIGIBILITY, ENTRY INTO EFFECT; CONGRESSIONAL CONSENT; WITHDRAWAL; EXCLUSION

"SEC. 7.01. The states of Texas, Maine, and Vermont are party states to this compact. Any other state may be made eligible for party status by a majority vote of the commission and ratification by the legislature of the host state, subject to fulfillment of the rights of the initial non-host party states under Section 3.04(11) of Article III and Section 4.01 of Article IV, and upon compliance with those terms and conditions for eligibility that the host state may establish. The host state may establish all terms and conditions for the entry of any state, other than the states named in this section, as a member of this compact; provided, however, the specific provisions of this compact, except for those pertaining to the composition of the commission and those pertaining to Section 7.09 of this article, may not be changed except upon ratification by the legislatures of the party states.

"SEC. 7.02. Upon compliance with the other provisions of this compact, a state made eligible under Section 7.01 of this article may become a party state by legislative enactment of this compact or by executive order of the governor of the state adopting this compact. A state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment, the legislature enacts this compact.

"SEC. 7.03. Any party state may withdraw from this compact by repealing enactment of this compact subject to the provisions herein. In the event the host state allows an additional state or additional states to join the compact, the host state's legislature, without the consent of the non-host party states, shall have the right to modify the composition of the commission so that the host state shall have a voting majority on the commission, provided, however, that any modification maintains the right of each initial party state to retain one voting member on the commission.

"SEC. 7.04. If the host state withdraws from the compact, the withdrawal shall not become effective until five years after enactment of the repealing legislation and the non-host party states may continue to use the facility during that time. The financial obligation of the non-host party states under Article V shall cease immediately upon enactment of the repealing legislation. If the host state withdraws from the compact or abandons plans to operate a facility prior to the date of any non-host party state payment under Sections 4.05(5) and (6) of Article IV or Article V, the non-host party states are relieved of any obligations to make the contributions. This section sets out the exclusive remedies for the non-host party states if the host state withdraws from the compact or is unable to develop and operate a compact facility.

"SEC. 7.05. A party state, other than the host state, may withdraw from the compact by repealing the enactment of this compact, but this withdrawal shall not become effective until two years after the effective date

of the repealing legislation. During this two-year period the party state will continue to have access to the facility. The withdrawing party shall remain liable for any payments under Sections 4.05(5) and (6) of Article IV that were due during the two-year period, and shall not be entitled to any refund of payments previously made.

"SEC. 7.06. Any party state that substantially fails to comply with the terms of the compact or to fulfill its obligations hereunder may have its membership in the compact revoked by a seven-eighths vote of the commission following notice that a hearing will be scheduled not less than six months from the date of the notice. In all other respects, revocation proceedings undertaken by the commission will be subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), except that a party state may appeal the commission's revocation decision to the United States District Court in accordance with Section 3.06 of Article III. Revocation shall take effect one year from the date such party state receives written notice from the commission of a final action. Written notice of revocation shall be transmitted immediately following the vote of the commission, by the chair, to the governor of the affected party state, all other governors of party states, and to the United States Congress.

"SEC. 7.07. This compact shall take effect following its enactment under the laws of the host state and any other party state and thereafter upon the consent of the United States Congress and shall remain in effect until otherwise provided by federal law. If Texas and either Maine or Vermont ratify this compact, the compact shall be in full force and effect as to Texas and the other ratifying state, and this compact shall be interpreted as follows:

"(1) Texas and the other ratifying state are the initial party states.

"(2) The commission shall consist of two voting members from the other ratifying state and six from Texas.

"(3) Each party state is responsible for its pro-rata share of the commission's expenses.

"SEC. 7.08. This compact is subject to review by the United States Congress and the withdrawal of the consent of Congress every five years after its effective date, pursuant to federal law.

"SEC. 7.09. The host state legislature, with the approval of the governor, shall have the right and authority, without the consent of the non-host party states, to modify the provisions contained in Section 3.04(11) of Article III to comply with Section 402.219(c)(1), Texas Health & Safety Code, as long as the modification does not impair the rights of the initial non-host party states.

"ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

"SEC. 8.01. The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party shall not be infringed upon unnecessarily.

"SEC. 8.02. This compact does not affect any judicial proceeding pending on the effective date of this compact.

"SEC. 8.03. No party state acquires any liability, by joining this compact, resulting from the siting, operation, maintenance, long-term care or any other activity relating to the compact facility. No non-host party state shall be liable for any harm or damage from the siting, operation, maintenance, or long-term care relating to the compact facility. Except as otherwise expressly provided in this compact, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act or failure to act. Generators, transporters, owners and op-

erators of the facility shall be liable for their acts, omissions, conduct or relationships in accordance with applicable law. By entering into this compact and securing the ratification by Congress of its terms, no party state acquires a potential liability under section 5(d)(2)(C) of the Act (42 U.S.C. Sec. 2021e(d)(2)(C)) that did not exist prior to entering into this compact.

"SEC. 8.04. If a party state withdraws from the compact pursuant to Section 7.03 of Article VII or has its membership in this compact revoked pursuant to section 7.06 of Article VII, the withdrawal or revocation shall not affect any liability already incurred by or chargeable to the affected state under Section 8.03 of this article.

"SEC. 8.05. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby to the extent the remainder can in all fairness be given effect. If any provision of this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

"SEC. 8.06. Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

"(1) The United States Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2011 et seq.).

"(2) An agreement state under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2021).

"SEC. 8.07. Nothing in this compact confers any new authority on the states or commission to do any of the following:

"(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the United States Nuclear Regulatory Commission or the United States Department of Transportation.

"(2) Regulate health, safety, or environmental hazards from source, by-product, or special nuclear material.

"(3) Inspect the activities of licensees of the agreement states or of the United States Nuclear Regulatory Commission."

And the Senate agree to the same. For consideration of the House bill and Senate amendment, and modifications committed to conference:

TOM BLILEY,
DAN SCHAEFER,
JOE BARTON,
JOHN D. DINGELL,
RALPH M. HALL,

Managers on the Part of the House.

STROM THURMOND,
ORRIN HATCH,
PATRICK LEAHY,

Managers on the Part of the Senate.

Pending consideration of the conference report,

On demand of Mr. BONILLA, pursuant to clause 2, rule XXVIII,

Ordered, That time for debate be equally divided among Messrs. Dan SCHAEFER of Colorado, HALL of Texas, and BONILLA.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. QUINN, announced that the yeas had it.

Mr. REYES objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 305
Nays 117

¶77.8

[Roll No. 344]

YEAS—305

Aderholt	DeGette	Johnson (WI)
Allen	DeLay	Johnson, E. B.
Archer	Deutsch	Johnson, Sam
Armey	Dickey	Jones
Baker	Dicks	Kaptur
Baldacci	Dingell	Kim
Ballenger	Dooley	Kind (WI)
Barcia	Doolittle	King (NY)
Barr	Dreier	Kingston
Barrett (NE)	Duncan	Klecza
Barrett (WI)	Dunn	Klink
Bartlett	Edwards	Klug
Barton	Ehlers	Knollenberg
Bass	Ehrlich	Kolbe
Bateman	Emerson	LaFalce
Bentsen	Everett	Lampson
Bereuter	Ewing	Largent
Berry	Fawell	Latham
Bilbray	Fazio	LaTourette
Bilirakis	Foley	Lazio
Bishop	Fossella	Leach
Bliley	Fowler	Levin
Blumenauer	Fox	Lewis (CA)
Blunt	Frank (MA)	Lewis (KY)
Boehlert	Frelinghuysen	Linder
Boehner	Frost	Lipinski
Bono	Gallegly	Livingston
Borski	Ganske	Lowe
Boswell	Gejdenson	Lucas
Boucher	Gekas	Luther
Boyd	Gephardt	Maloney (CT)
Brady (TX)	Gilchrest	Manton
Brown (CA)	Gillmor	Manzullo
Brown (FL)	Gilman	Martinez
Brown (OH)	Goode	Mascara
Bryant	Goodlatte	Matsui
Bunning	Goodling	McCarthy (MO)
Burr	Gordon	McCarthy (NY)
Burton	Goss	McCollum
Buyer	Graham	McCrery
Callahan	Green	McDade
Calvert	Greenwood	McHugh
Camp	Gutknecht	McInnis
Campbell	Hall (OH)	McIntosh
Canady	Hall (TX)	McIntyre
Cannon	Hamilton	McKeon
Cardin	Hansen	Metcalf
Carson	Harman	Mica
Chabot	Hastert	Miller (FL)
Chambliss	Hastings (WA)	Minge
Chenoweth	Hayworth	Mollohan
Christensen	Hefley	Moran (KS)
Clay	Hefner	Moran (VA)
Clement	Herger	Murtha
Clyburn	Hill	Myrick
Coble	Hilleary	Neal
Coburn	Hilliard	Neumann
Collins	Hobson	Ney
Combest	Hoekstra	Northup
Condit	Horn	Norwood
Cook	Hostettler	Nussle
Cooksey	Houghton	Oberstar
Costello	Hoyer	Obey
Cox	Hulshof	Olver
Coyne	Hunter	Oxley
Cramer	Hutchinson	Packard
Crane	Hyde	Parker
Crapo	Inglis	Paxon
Cubin	Istook	Pease
Cunningham	Jackson-Lee	Peterson (MN)
Danner	(TX)	Peterson (PA)
Davis (FL)	John	Pickering
Davis (VA)	Johnson (CT)	Pickett

Pitts
Pomeroy
Porter
Portman
Poshard
Sessions
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough

Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu

Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Yates
Young (AK)

NAYS—117

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Becerra
Berman
Blagojevich
Bonilla
Bonior
Brady (PA)
Capps
Castle
Conyers
Cummings
Davis (IL)
Deal
DeFazio
DeLahunt
DeLauro
Diaz-Balart
Dixon
Doggett
Doyle
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Ford
Franks (NJ)
Furse
Gibbons
Gutierrez
Hastings (FL)

NOT VOTING—12

Clayton
Etheridge
Gonzalez
Granger
Hinojosa

Jenkins
McHale
Millender-
McDonald
Moakley

Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Pombo
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sanchez
Schumer
Sensenbrenner
Shays
Sherman
Skeen
Slaughter
Smith (NJ)
Stabenow
Stark
Strickland
Thompson
Tierney
Torres
Towns
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Woolsey

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶77.9 ORDER OF BUSINESS—

CONSIDERATION OF H.J. RES. 120

On motion of Mr. SOLOMON, by unanimous consent,

Ordered, That it may be in order at any time on the legislative day of Thursday, July 30, to consider in the House the joint resolution (H.J. Res. 120) disapproving the extension of the

waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; that the joint resolution be considered as read for amendment; that all points of order against the joint resolution and against its consideration be waived; that the joint resolution be debatable for one hour equally divided and controlled by the chairman of the Committee on Ways and Means (in opposition to the joint resolution) and Representative Lofgren of California or her designee (in support of the joint resolution); that, pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered on the joint resolution to final passage without intervening motion; and that the provisions of sections 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam for the remainder of the second session of the One Hundred Fifth Congress.

¶77.10 VA-HUD APPROPRIATIONS

The SPEAKER pro tempore, Mr. QUINN, pursuant to House Resolution 501 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

Mr. COMBEST, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶77.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ROEMER:

Page 72, line 15, strike "\$5,309,000,000" and insert "\$3,709,000,000".

It was decided in the { Yeas 109
negative { Nays 323

¶77.12

[Roll No. 345]

AYES—109

Barrett (WI)	Ensign	Kingston
Bass	Evans	Klecza
Bateman	Fossella	Klug
Bereuter	Frank (MA)	LaFalce
Berry	Franks (NJ)	Largent
Blagojevich	Ganske	Latham
Blumenauer	Goode	Lazio
Brown (OH)	Goodlatte	Leach
Camp	Goodling	Lee
Carson	Gutierrez	Levin
Chabot	Hamilton	LoBiondo
Christensen	Hefley	Lowe
Coble	Herger	Luther
Coburn	Hilleary	Maloney (NY)
Conyers	Hoekstra	Manzullo
Costello	Holden	Markey
Coyne	Inglis	McHugh
Danner	Kanjorski	McInnis
DeFazio	Kaptur	Meehan
Delahunt	Kelly	Miller (CA)
Dingell	Kennedy (MA)	Minge
Doyle	Kildee	Mink
Duncan	Kind (WI)	Moakley

Myrick
Nadler
Neumann
Nussle
Oberstar
Obey
Owens
Pallone
Paul
Paxon
Payne
Pelosi
Peterson (MN)
Pomeroy

Porter
Portman
Poshard
Ramstad
Rivers
Roemer
Roukema
Sanders
Sanford
Schaffer, Bob
Schumer
Shays
Shuster
Slaughter

Smith (MI)
Stark
Strickland
Stupak
Tierney
Upton
Velazquez
Vento
Visclosky
Wamp
Woolsey
Yates

Ryun
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam

Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt

Torres
Towns
Traficant
Turner
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)

Walsh
Weldon (PA)

Weller
Weygand

Wise
Yates

NOES—285

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fazio
Filner

Foley
Fowler
Frost
Furse
Gallegly
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kim
Klug
Knollenberg
Kolbe
Kucinich
Lampson
Lantos
Largent
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
Lofgren
Lucas
Luther
Martinez
Matsui
McCollum
McCrery
McDermott
McInnis
McIntyre
McKeon
McKinney
Meek (FL)
Metcalf
Mica
Millender-
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Ortiz

Oxley
Packard
Parker
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Pickering
Pickett
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sessions
Shadegg
Shaw
Sherman
Sisisky
Skaggs
Skeen
Skelton
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Vento
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
White
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)

NOES—323

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Becerra
Bentsen
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle

Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kennedy (RI)
Kennelly
Kilpatrick
Kim
King (NY)
Klink
Knollenberg
Kolbe

Kucinich
LaHood
Lampson
Lantos
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lucas
Maloney (CT)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush

Gonzalez
Young (FL)

NOT VOTING—2

So the amendment was not agreed to.

77.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HINCHEY:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 425. None of the funds made available in this Act may be used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation system.

It was decided in the { Yeas 146
negative } Nays 285

77.14 [Roll No. 346]
AYES—146

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Bass
Bereuter
Boehlert
Bonior
Borski
Boswell
Brady (PA)
Brown (OH)
Camp
Castle
Conyers
Costello
Coyne
Crane
Davis (IL)
Delahunt
DeLauro
Doyle
Ehlers
Engel
English
Ewing
Fattah
Fawell
Forbes
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gekas
Gilman
Goodling
Greenwood
Gutierrez
Hastert
Hinchey
Hoekstra

Holden
Houghton
Hulshof
Hyde
Jackson (IL)
Johnson (CT)
Johnson (WI)
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klecza
Klink
LaFalce
LaHood
Latham
Lazio
Leach
Levin
Lipinski
LoBiondo
Lowey
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markley
Mascara
McCarthy (MO)
McCarthy (NY)
McDade
McGovern
McHale
McHugh
McIntosh
McNulty
Meehan
Meeks (NY)
Menendez
Moakley
Mollohan

Murtha
Nadler
Neal
Neumann
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Paxon
Payne
Peterson (PA)
Petri
Pitts
Porter
Poshard
Quinn
Rangel
Rivers
Roemer
Rothman
Roukema
Rush
Sanders
Saxton
Schumer
Sensenbrenner
Serrano
Shays
Shimkus
Shuster
Slaughter
Smith (MI)
Smith (NJ)
Solomon
Souder
Stabenow
Stupak
Sununu
Tierney
Towns
Toussaint
Visclosky

NOT VOTING—3

Gonzalez Velazquez Young (FL)

So the amendment was not agreed to.

¶77.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HILLEARY:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS, and increasing the amount made available for "DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES," by \$21,000,000.

It was decided in the { Yeas 231
affirmative { Nays 200

¶77.16 [Roll No. 347]
AYES—231

Aderholt	Etheridge	McIntosh
Archer	Everett	McIntyre
Armey	Ewing	Metcalfe
Bachus	Fossella	Mica
Baesler	Fowler	Miller (FL)
Baker	Fox	Minge
Ballenger	Franks (NJ)	Moran (KS)
Barcia	Galleghy	Myrick
Barr	Gekas	Nethercutt
Barrett (NE)	Gibbons	Neumann
Bartlett	Gillmor	Ney
Barton	Goode	Northup
Bass	Goodlatte	Norwood
Bateman	Goodling	Nussle
Bereuter	Gordon	Ortiz
Berry	Goss	Oxley
Bilirakis	Graham	Pappas
Bliley	Green	Parker
Blunt	Gutknecht	Pastor
Boehner	Hall (TX)	Paul
Bonilla	Hansen	Paxon
Boswell	Hastert	Pease
Boucher	Hastings (WA)	Peterson (MN)
Boyd	Hayworth	Peterson (PA)
Brady (TX)	Hefley	Petri
Bryant	Herger	Pickering
Bunning	Hill	Pickett
Burton	Hilleary	Pitts
Callahan	Hinojosa	Pombo
Camp	Hoekstra	Pomeroy
Canady	Holden	Portman
Cannon	Hostettler	Pryce (OH)
Chabot	Hulshof	Quinn
Chambliss	Hunter	Radanovich
Chenoweth	Hutchinson	Rahall
Christensen	Inglis	Ramstad
Clayton	Istook	Redmond
Coble	Jenkins	Regula
Coburn	Johnson (WI)	Reyes
Collins	Johnson, Sam	Riley
Combest	Jones	Rodriguez
Cook	Kanjorski	Roemer
Cooksey	Kasich	Rogan
Costello	King (NY)	Rogers
Cramer	Kingston	Rohrabacher
Crane	Klink	Roukema
Crapo	Klug	Royce
Cubin	LaHood	Ryun
Cunningham	Largent	Salmon
Danner	Latham	Sandlin
Deal	LaTourrette	Sanford
DeLay	Lewis (KY)	Saxton
Diaz-Balart	Linder	Scarborough
Dickey	Lipinski	Schaefer, Dan
Doolittle	Livingston	Schaffer, Bob
Doyle	LoBiondo	Sensenbrenner
Duncan	Lucas	Sessions
Dunn	Manzullo	Shadegg
Edwards	Martinez	Shaw
Ehlers	Mascara	Shimkus
Ehrlich	McCollum	Shuster
Emerson	McCrery	Sisisky
English	McHugh	Skeen
Ensign	McInnis	Skelton

Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump

Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton

Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

Sherman Williams, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶77.18 CALL IN COMMITTEE

Mr. COMBEST, Chairman, announced that the Committee, having had under consideration said bill, finding itself without a quorum, directed the Members to record their presence by electronic device, and the following-named Members responded—

¶77.19 [Roll No. 348]

Abercrombie	Crane	Hastings (WA)
Ackerman	Crapo	Hayworth
Aderholt	Cubin	Hefley
Allen	Cummings	Hefner
Andrews	Cunningham	Herger
Archer	Danner	Hill
Armey	Davis (FL)	Hilleary
Bachus	Davis (IL)	Hilliard
Baesler	Davis (VA)	Hinchey
Baker	Deal	Hinojosa
Baldacci	DeFazio	Hobson
Ballenger	Delahunt	Hoekstra
Barcia	DeLauro	Holden
Barr	DeLay	Hooley
Barrett (NE)	Deutsch	Horn
Barrett (WI)	Diaz-Balart	Hostettler
Bartlett	Dickey	Houghton
Barton	Dicks	Hoyer
Bateman	Dingell	Hulshof
Becerra	Dixon	Hunter
Bentsen	Doggett	Hutchinson
Bereuter	Dooley	Hyde
Berman	Doolittle	Inglis
Berry	Doyle	Istook
Bilbray	Dreier	Jackson (IL)
Bilirakis	Duncan	Jackson-Lee
Bishop	Dunn	(TX)
Blagojevich	Edwards	Jefferson
Bliley	Ehlers	Jenkins
Blumenauer	Ehrlich	John
Blunt	Emerson	Johnson (CT)
Boehlert	Engel	Johnson (WI)
Boehner	English	Johnson, E. B.
Bonilla	Ensign	Johnson, Sam
Bonior	Eshoo	Jones
Bono	Etheridge	Kanjorski
Borski	Evans	Kaptur
Boswell	Everett	Kasich
Boucher	Ewing	Kelly
Boyd	Farr	Kennedy (MA)
Brady (PA)	Fattah	Kennedy (RI)
Brady (TX)	Fawell	Kennelly
Brown (CA)	Fazio	Kildee
Brown (FL)	Filner	Kilpatrick
Brown (OH)	Foley	Kim
Bryant	Forbes	Kind (WI)
Bunning	Ford	King (NY)
Burr	Fossella	Kingston
Buyer	Fowler	Klecza
Callahan	Fox	Klink
Calvert	Franks (NJ)	Klug
Camp	Frelinghuysen	Knollenberg
Campbell	Furse	Kolbe
Canady	Galleghy	Kucinich
Cannon	Ganske	LaFalce
Capps	Gejdenson	LaHood
Cardin	Gekas	Lampson
Carson	Gephardt	Lantos
Castle	Gibbons	Largent
Chabot	Gilchrest	Latham
Chambliss	Gillmor	Lazio
Chenoweth	Gilman	Leach
Christensen	Goode	Lee
Clay	Goodlatte	Levin
Clayton	Goodling	Lewis (CA)
Clement	Gordon	Lewis (GA)
Clyburn	Goss	Lewis (KY)
Coble	Graham	Linder
Coburn	Granger	Lipinski
Collins	Green	Livingston
Combest	Greenwood	LoBiondo
Condit	Gutierrez	Lofgren
Conyers	Gutknecht	Lowe
Cook	Hall (OH)	Lucas
Cooksey	Hall (TX)	Luther
Costello	Hamilton	Maloney (CT)
Cox	Hansen	Maloney (NY)
Coyne	Hastert	Manton
Cramer	Hastings (FL)	Manzullo

NOT VOTING—3

Gonzalez Velazquez Young (FL)

So the amendment was agreed to.

The Committee rose informally to receive messages from the President.

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

¶77.17 MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr.

Markey	Peterson (PA)	Smith (NJ)	Coburn	Istook	Riley	Leach	Moran (VA)	Shaw
Mascara	Petri	Smith (OR)	Collins	Jenkins	Roemer	Lee	Morella	Shays
Matsui	Pickering	Smith (TX)	Combest	John	Rogan	Levin	Murtha	Sherman
McCarthy (MO)	Pickett	Smith, Adam	Cook	Johnson, Sam	Rogers	Lewis (CA)	Nadler	Sisisky
McCarthy (NY)	Pitts	Smith, Linda	Cooksey	Jones	Rohrabacher	Lewis (GA)	Neal	Skaggs
McCollum	Pombo	Snowbarger	Costello	Kasich	Ros-Lehtinen	Lofgren	Oberstar	Slaughter
McCrery	Pomeroy	Snyder	Cox	Kim	Roukema	Lowey	Obey	Smith, Adam
McDermott	Porter	Solomon	Cramer	King (NY)	Royce	Luther	Olver	Snyder
McGovern	Portman	Souder	Crane	Kingston	Ryun	Maloney (CT)	Owens	Spratt
McHale	Poshard	Spence	Crapo	Klug	Salmon	Maloney (NY)	Pallone	Stabenow
McHugh	Price (NC)	Spratt	Cunningham	Knollenberg	Sandlin	Manton	Pascrell	Stark
McInnis	Pryce (OH)	Stabenow	Danner	LaHood	Scarborough	Markey	Pastor	Stokes
McIntosh	Quinn	Stearns	Deal	Largent	Schaefer, Dan	Martinez	Payne	Strickland
McIntyre	Radanovich	Stenholm	DeLay	Latham	Schaffer, Bob	Mascara	Pelosi	Stupak
McKeon	Rahall	Stokes	Diaz-Balart	Lewis (KY)	Sensenbrenner	Matsui	Pomeroy	Tauscher
McKinney	Ramstad	Strickland	Dickey	Linder	Sessions	McCarthy (MO)	Poshard	Thompson
McNulty	Redmond	Stump	Doolittle	Lipinski	Shadegg	McCarthy (NY)	Price (NC)	Thurman
Meehan	Regula	Stupak	Dreier	Livingston	Shimkus	McCrery	Rahall	Tierney
Meek (FL)	Reyes	Sununu	Duncan	LoBiondo	Shuster	McDermott	Rangel	Torres
Meeks (NY)	Riggs	Talent	Dunn	Lucas	Skeen	McGovern	Reyes	Towns
Menendez	Riley	Tanner	Ehlers	Manzullo	Skelton	McHale	Rivers	Velazquez
Metcalf	Rivers	Tauscher	Ehrlich	McCollum	Smith (MI)	McKinney	Rodriguez	Vento
Mica	Rodriguez	Tauzin	Emerson	McHugh	Smith (NJ)	McNulty	Rothman	Visclosky
Millender-	Roemer	Taylor (MS)	Everett	McInnis	Smith (OR)	Meehan	Roybal-Allard	Waters
McDonald	Rogan	Taylor (NC)	Ewing	McIntosh	Smith (TX)	Meek (FL)	Rush	Watt (NC)
Miller (CA)	Rogers	Thomas	Fawell	McIntyre	Smith, Linda	Meeks (NY)	Sabo	Waxman
Miller (FL)	Rohrabacher	Thompson	Fossella	McKeon	Snowbarger	Menendez	Sanchez	Wexler
Minge	Ros-Lehtinen	Thornberry	Fox	Metcalf	Solomon	Millender-	Sanders	Weygand
Mink	Rothman	Thune	Gallegly	Mica	Souder	McDonald	Sanford	White
Mollohan	Roukema	Thurman	Ganske	Moran (KS)	Spence	Miller (CA)	Sawyer	Wise
Moran (KS)	Roybal-Allard	Tiaht	Gekas	Myrick	Stearns	Miller (FL)	Saxton	Woolsey
Moran (VA)	Royce	Tierney	Gibbons	Nethercutt	Stenholm	Minge	Schumer	Wynn
Morella	Rush	Towns	Gillmor	Neumann	Stump	Mink	Scott	
Murtha	Ryun	Trafficant	Goode	Ney	Sununu	Mollohan	Serrano	
Myrick	Sabo	Turner	Goodlatte	Northup	Talent			
Nadler	Sanchez	Upton	Goodling	Norwood	Tanner			
Neal	Sanders	Vento	Graham	Nussle	Tauzin	Burton	McDade	Yates
Nethercutt	Sandlin	Visclosky	Granger	Ortiz	Taylor (MS)	Gonzalez	Moakley	Young (FL)
Neumann	Sanford	Walsh	Greenwood	Oxley	Taylor (NC)	LaTourette	Porter	
Ney	Sawyer	Wamp	Gutknecht	Packard	Thomas			
Northup	Saxton	Waters	Hall (OH)	Pappas	Thornberry			
Norwood	Schaefer, Dan	Watkins	Hall (TX)	Parker	Thune			
Nussle	Schaffer, Bob	Watt (NC)	Hamilton	Paul	Tiaht			
Oberstar	Schumer	Watts (OK)	Hansen	Paxon	Trafficant			
Obey	Scott	Waxman	Hastert	Pease	Turner			
Olver	Sensenbrenner	Weldon (FL)	Hastings (WA)	Peterson (MN)	Upton			
Ortiz	Serrano	Weldon (PA)	Hayworth	Peterson (PA)	Walsh			
Owens	Sessions	Weller	Hefley	Petri	Wamp			
Oxley	Shadegg	Wexler	Herger	Pickering	Watkins			
Packard	Shaw	Weygand	Hill	Pickett	Watts (OK)			
Pallone	Shays	White	Hilleary	Pitts	Weldon (FL)			
Pappas	Sherman	Whitfield	Hobson	Pombo	Weldon (PA)			
Parker	Shimkus	Wicker	Hoekstra	Portman	Weller			
Pascrell	Shuster	Wilson	Holden	Pryce (OH)	Whitfield			
Pastor	Sisisky	Wise	Hostettler	Quinn	Wicker			
Paul	Skaggs	Wolf	Hulshof	Radanovich	Wilson			
Paxon	Skeen	Woolsey	Hunter	Ramstad	Wolf			
Pease	Skelton	Wynn	Hutchinson	Redmond	Young (AK)			
Pelosi	Slaughter	Young (AK)	Hyde	Regula				
Peterson (MN)	Smith (MI)		Inglis	Riggs				

NOT VOTING—8

Burton	McDade	Yates
Gonzalez	Moakley	Young (FL)
LaTourette	Porter	

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

When Mr. COMBEST, Chairman, pursuant to House Resolution 501, reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

Pursuant to House Resolution 501, the following amendments in House Report 105-651 were considered as adopted:

Page 54, strike the sentence beginning in line 25.

Page 69, line 8, strike "three-year pilot project" and insert "pilot project, to be completed within 15 months from the date of enactment of this Act."

Page 69, strike the sentence beginning in line 10 and insert "The United States Fire Administration shall transmit the results of its pilot project to the Consumer Product Safety Commission and to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate."

Page 91, add after line 6 the following:
SEC. 424. (a) The Consumer Product Safety Commission shall contract with the National Institute on Environmental Health Sciences (NIEHS) to conduct a thorough study of the toxicity of all the flame retardant chemicals identified by the Commission as likely candidates for addition to residential upholstered furniture for the purpose of meeting regulations proposed by the Commission for flame-resistance of residential upholstered furniture. Where NIEHS has existing adequate information regarding the chemicals identified by the Commission, such information can be transmitted to the Commission in lieu of an additional study on those chemicals.

(b) The Commission shall establish a Chronic Hazard Advisory Panel, according to the provisions of section 28 of the Consumer Product Safety Act (15 U.S.C. 2077), convened for the purpose of advising the Commission on the potential health effects and hazards,

Thereupon, Mr. COMBEST, Chairman, announced that 414 Members had been recorded, a quorum.

The Committee resumed its business.

77.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. RIGGS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated by this Act may be used to implement section 12B.2(b) of the Administrative Code of San Francisco, California.

It was decided in the { Yeas 214
affirmative Nays 212

77.21 [Roll No. 349]
AYES—214

Aderholt	Bereuter	Burr
Archer	Berry	Buyer
Armey	Bilirakis	Callahan
Bachus	Bishop	Calvert
Baesler	Bliley	Camp
Baker	Blunt	Canady
Ballenger	Boehner	Cannon
Barr	Bonilla	Chabot
Barrett (NE)	Bono	Chambliss
Bartlett	Brady (TX)	Chenoweth
Barton	Bryant	Christensen
Bateman	Bunning	Coble

NOES—212

Abercrombie	Davis (FL)	Gordon
Ackerman	Davis (IL)	Goss
Allen	Davis (VA)	Green
Andrews	DeFazio	Gutierrez
Baldacci	DeGette	Harman
Barcia	Delahunt	Hastings (FL)
Barrett (WI)	DeLauro	Hefner
Bass	Deutsch	Hilliard
Becerra	Dicks	Hinchey
Bentsen	Dingell	Hinojosa
Berman	Dixon	Hooley
Bilbray	Doggett	Horn
Blagojevich	Dooley	Houghton
Blumenauer	Doyle	Hoyer
Boehler	Edwards	Jackson (IL)
Bonior	Engel	Jackson-Lee
Borski	English	(TX)
Boswell	Ensign	Jefferson
Boucher	Eshoo	Johnson (CT)
Boyd	Etheridge	Johnson (WI)
Brady (PA)	Evans	Johnson, E. B.
Brown (CA)	Farr	Kanjorski
Brown (FL)	Fattah	Kaptur
Brown (OH)	Fazio	Kelly
Campbell	Filner	Kennedy (MA)
Capps	Foley	Kennedy (RI)
Cardin	Forbes	Kennelly
Carson	Ford	Kildee
Castle	Fowler	Kilpatrick
Clay	Frank (MA)	Kind (WI)
Clayton	Franks (NJ)	Kleczka
Clement	Frelinghuysen	Klink
Clyburn	Frost	Kolbe
Condit	Furse	Kucinich
Conyers	Gejdenson	LaFalce
Coyne	Gephardt	Lampson
Cubin	Gilchrest	Lantos
Cummings	Gilman	Lazio

including carcinogenicity, neurotoxicity, mutagenicity, and other chronic and acute effects on consumers exposed to fabrics intended to be used in residential upholstered furniture which would be chemically treated to meet the Commission's proposed flame-resistant standards. In lieu of the requirements of section 31(b)(2)(B) of such Act (15 U.S.C. 2080(b)(2)(B)), the Panel may meet for up to one year.

(c) The Chronic Hazard Advisory Panel convened by the Commission under subsection (b) for purposes of advising the Commission concerning the chronic hazards of flame-retardant chemicals in residential upholstered furniture shall complete its work and furnish its report to the Commission not later than one year after the date of the establishment of the Panel, except that if the Panel finds that it is unable to complete its work adequately within the one year after its establishment, it shall—

(1) advise the Commission that it will be unable to complete its work within one year;

(2) furnish the Commission with an interim report at the expiration of such year discussing its findings to date; and

(3) provide the Commission with an estimated date on which it will complete its work and submit a final report to the Commission

(d) The Commission shall furnish the interim report, and the estimated date on which the Panel will complete its final report, to the House Committee on Commerce, the Senate Committee on Commerce, Science and Transportation, the House Committee on Appropriations and Senate Committee on Appropriations. The Commission shall furnish the final report to the House Committee on Commerce, the Senate Committee on Commerce, Science and Transportation, the House Committee on Appropriations and Senate Committee on Appropriations.

(e) No additional funds shall be expended by the Commission on developing flammability standards for residential upholstered furniture until 3 months after the Commission has furnished either the interim report or the final report of the Panel to the House Committee on Commerce, the Senate Committee on Commerce, Science and Transportation, the House Committee on Appropriations and Senate Committee on Appropriations.

(f) The Commission, before promulgating any final rule setting flammability standards for residential upholstered furniture shall report to the House Committee on Commerce, the Senate Committee on Commerce, Science and Transportation, the House Committee on Appropriations and Senate Committee on Appropriations on the report of the Panel, and the anticipated costs of the flammability standards regulation, including costs resulting from—

(1) public exposure to flame-retardant chemicals in residential upholstered furniture;

(2) exposure of workers to flame-retardant chemicals in the manufacture, distribution and sale of textiles and residential upholstered furniture;

(3) the generating, tracking, and disposing of flame-retardant chemicals and hazardous wastes generated from the handling of flame-retardant chemicals used on textiles and residential upholstered furniture; and

(4) limited availability in particular geographic regions of competing flame-resistant chemicals approved for use for residential upholstered furniture.

(g) In addition to amounts appropriated elsewhere in this Act, there is appropriated to the Consumer Product Safety Commission \$5,000,000,000 to carry out this section.

Mr. COBURN demanded a separate vote on the amendment on page 91, line 3 (the COBURN amendment).

The following remaining amendments, reported from the Committee of the Whole House on the state of the Union were then agreed to:

At the end of the bill, insert the following new section:

SEC. . The amount otherwise provided by this Act for the Department of Veterans Affairs—Veterans Health Administration, Medical care, equipment and land and structures object classifications, is hereby reduced by \$69,000,000.

At the end of the bill add the following new section:

None of the funds made available under this Act may be used to develop and enforce the standard for the flammability of children's sleepware sizes 0 through 6X (contained in regulations published at 16 CFR part 1615) and sizes 7 through 14 (contained in regulations published at 16 CFR part 1616) as the standard was amended effective January 1, 1997.

At the end of the bill, insert after the last section preceding the short title) the following new sections:

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—FEDERAL HOUSING ADMINISTRATION—FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT" for non-overhead administrative expenses necessary to carry out the Mutual Mortgage Insurance guarantee and direct loan program, and increasing the amount made available for "DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", by \$199,999,999.

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—FEDERAL HOUSING ADMINISTRATION—FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT" for non-overhead administrative expenses necessary to carry out the guaranteed and direct loan programs, and increasing the amount made available for "DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", by \$103,999,999.

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 425. None of the funds made available in this Act (including amounts made available for salaries and expenses) may be used by the Director of the Federal Emergency Management Agency to take any action—

(1) to permit Kaiser Permanente to transfer any of the funds made available to the Kaiser Permanente hospital in Panorama City, California, under the Seismic Hazard Mitigation Program for Hospitals (including funds made available before October 1, 1998) to any other facility; or

(2) to permit Kaiser Permanente to use any of the funds described in paragraph (1) to relocate the hospital to a site that is located more than 3 miles from the current site of the hospital.

If, before October 1, 1998, the Director takes an action described in paragraph (1) or (2), the Director shall rescind the action.

At the end of Title IV, insert the following:

SEC. . None of the funds made in this Act may be used for researching methods to reduce methane emissions from cows, sheep or any other ruminant livestock.

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.—. None of the funds made available in this Act may be used to carry out Executive Order 13083.

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS, and increasing the amount made available for "DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES," by \$21,000,000.

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated by this Act may be used to implement section 12B.2(b) of the Administrative Code of San Francisco, California.

The question being put, viva voce,

Will the House agree to the COBURN amendment on which a separate vote had been demanded?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. COBURN demanded a recorded vote on said amendment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 351
affirmative { Nays 73

¶77.22

[Roll No. 350]

AYES—351

Abercrombie	Cannon	Engel
Ackerman	Capps	English
Aderholt	Cardin	Ensign
Allen	Carson	Eshoo
Andrews	Castle	Etheridge
Archer	Chabot	Evans
Armey	Chambliss	Everett
Bachus	Chenoweth	Ewing
Baesler	Christensen	Farr
Baker	Clement	Fattah
Baldacci	Clyburn	Filner
Ballenger	Coble	Foley
Barcia	Coburn	Forbes
Barr	Collins	Ford
Barrett (NE)	Combest	Fossella
Barrett (WI)	Condit	Fowler
Bartlett	Cook	Fox
Barton	Cooksey	Franks (NJ)
Bass	Costello	Frelinghuysen
Bateman	Cox	Frost
Bereuter	Coyne	Gallegly
Berry	Cramer	Ganske
Bilbray	Crane	Gejdenson
Bilirakis	Crapo	Gekas
Bishop	Cubin	Gephardt
Bliley	Cunningham	Gibbons
Blunt	Danner	Gillmor
Boehlert	Davis (FL)	Gilman
Bonilla	Davis (IL)	Goode
Bono	Davis (VA)	Goodlatte
Borski	Deal	Goodling
Boswell	DeFazio	Gordon
Boucher	DeLauro	Goss
Boyd	DeLay	Graham
Brady (PA)	Dickey	Granger
Brady (TX)	Dicks	Greenwood
Brown (FL)	Dingell	Gutknecht
Brown (OH)	Dooley	Hall (OH)
Bryant	Doolittle	Hall (TX)
Bunning	Doyle	Hamilton
Burr	Dreier	Hansen
Buyer	Duncan	Hastert
Callahan	Dunn	Hastings (WA)
Calvert	Edwards	Hayworth
Camp	Ehlers	Hefley
Campbell	Ehrlich	Hefner
Canady	Emerson	Herger

Hill
Hilleary
Hilliard
Hinche
Hinojosa
Hobson
Hoekstra
Holden
Hoolley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Klug
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre

McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Minge
Mink
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer

Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)

NOES—73

Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Brown (CA)
Clayton
Conyers
Cummings
DeGette
Delahunt
Deutsch
Diaz-Balart
Dixon
Doggett
Fawell
Fazio
Frank (MA)
Furse
Gilchrist
Green
Gutierrez
Hastings (FL)
Hoyer

Jackson (IL)
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Knollenberg
Kolbe
Kucinich
LaFalce
Lazio
Lee
Lewis (CA)
Livingston
Lofgren
Luther
Markey
Martinez
McDade
McDermott
Meek (FL)
Meeks (NY)
Miller (CA)
Mollohan
Moran (VA)
Nadler

Neal
Oberstar
Olver
Owens
Payne
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Scott
Sherman
Skaggs
Stark
Stokes
Tierney
Torres
Velazquez
Vento
Waters
Watt (NC)
Waxman
Woolsey

NOT VOTING—10

Boehner
Burton
Clay
Gonzalez

Harman
Meehan
Moakley
Obey

Yates
Young (FL)

So the amendment was agreed to.
The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. OBEY moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendments:

On page 55, line 7, strike the sentence beginning on line 7; and strike section 425

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce, Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the nays had it.

Mr. OBEY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 164
negative } Nays 261

77.23 [Roll No. 351]
AYES—164

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clement
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frost
Furse
Gejdenson
Gephardt
Gordon

Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinche
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Klecza
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)

Menendez
Millender-
McDonald
Miller (CA)
Mink
Moran (VA)
Morella
Murtha
Nadler
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thurman
Tierney
Towns
Velazquez
Vento

Visclosky
Waters
Waxman
Weldon (PA)

Wexler
Weygand
Wise
Wolf

NOES—261

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen

Gallegly
Ganske
Gekas
Gibbons
Gilchrist
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley

Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Young (AK)

Frank (MA)
Gonzalez
Harman

Moakley
Neal
Shuster

NOT VOTING—9

Torres
Yates
Young (FL)

So the motion to recommit with instructions was not agreed to.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that pursuant to clause 7 of rule XV the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 259
affirmative { Nays 164

¶77.24 [Roll No. 352]

YEAS—259

Abercrombie	Fowler	Moran (KS)
Aderholt	Fox	Moran (VA)
Archer	Franks (NJ)	Murtha
Army	Frelinghuysen	Myrick
Bachus	Gallely	Nethercutt
Baessler	Ganske	Neumann
Baker	Gekas	Ney
Ballenger	Gibbons	Northup
Barr	Gilchrest	Norwood
Barrett (NE)	Gillmor	Nussle
Bartlett	Gilman	Ortiz
Barton	Goode	Oxley
Bass	Goodlatte	Packard
Bateman	Goodling	Pappas
Bereuter	Goss	Parker
Bilbray	Graham	Paxon
Bilirakis	Granger	Pease
Bishop	Greenwood	Peterson (PA)
Bliley	Gutknecht	Pickering
Blunt	Hall (OH)	Pickett
Boehlert	Hall (TX)	Pitts
Boehner	Hansen	Pombo
Bonilla	Hastert	Porter
Bono	Hastings (WA)	Portman
Boswell	Hayworth	Price (NC)
Boucher	Hefley	Pryce (OH)
Boyd	Hefner	Quinn
Brady (TX)	Hill	Radanovich
Brown (CA)	Hilleary	Rahall
Brown (FL)	Hinojosa	Ramstad
Bryant	Hobson	Redmond
Bunning	Horn	Regula
Burr	Houghton	Reyes
Burton	Hulshof	Riggs
Buyer	Hunter	Riley
Callahan	Hutchinson	Rogan
Calvert	Hyde	Rogers
Camp	Inglis	Rohrabacher
Campbell	Istook	Ros-Lehtinen
Canady	Jenkins	Roukema
Cannon	John	Ryun
Castle	Johnson (CT)	Sabo
Chabot	Johnson, Sam	Sandlin
Christensen	Jones	Saxton
Clayton	Kaptur	Scarborough
Clement	Kasich	Schaefer, Dan
Coble	Kelly	Scott
Coburn	Kim	Sessions
Collins	King (NY)	Shadegg
Combest	Kingston	Shaw
Cook	Knollenberg	Shays
Cooksey	Kolbe	Shimkus
Cramer	LaHood	Shuster
Crapo	Lampson	Skeen
Cubin	Largent	Smith (MI)
Cunningham	Latham	Smith (NJ)
Danner	LaTourette	Smith (OR)
Davis (VA)	Lazio	Smith (TX)
Deal	Leach	Snowbarger
DeLay	Lewis (CA)	Solomon
Diaz-Balart	Lewis (KY)	Souder
Dickey	Linder	Spence
Dicks	Lipinski	Spratt
Dixon	Livingston	Stearns
Dooley	LoBiondo	Stenholm
Doolittle	Lucas	Stokes
Doyle	Manzullo	Stump
Dreier	Martinez	Sununu
Dunn	Mascara	Talent
Ehlers	Matsui	Tanner
Ehrlich	McCollum	Tauzin
Emerson	McCrery	Taylor (MS)
Ensign	McHugh	Taylor (NC)
Etheridge	McInnis	Thomas
Evans	McIntosh	Thompson
Everett	McIntyre	Thornberry
Ewing	McKeon	Thune
Fawell	Meek (FL)	Thurman
Foley	Metcalfe	Tiahrt
Forbes	Mica	Trafficant
Ford	Miller (FL)	Turner
Fossella	Mollohan	Upton

Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)

Weller
White
Whitfield
Wicker
Wilson

Wise
Wolf
Young (AK)

NAYS—164

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (OH)
Capps
Cardin
Carson
Chenoweth
Clay
Clyburn
Condit
Conyers
Costello
Cox
Coyle
Crane
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Duncan
Edwards
Engel
English
Eshoo
Farr
Fattah
Fazio
Filner
Frost
Furse
Gedjenson
Gephardt
Green
Gutierrez
Hamilton
Hastings (FL)
Herger

Hilliard
Hinchey
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Miller
Miller (CA)
Minge
Mink
Morella
Nadler
Oberstar
Obey
Oliver

Owens
Pallone
Pascarell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Poshard
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Royce
Rush
Salmon
Sanchez
Sanders
Sanford
Sawyer
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Smith, Linda
Snyder
Stabenow
Stark
Strickland
Stupak
Tauscher
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—11

Chambliss	Harman	Weldon (PA)
Frank (MA)	McDade	Yates
Gonzalez	Moakley	Young (FL)
Gordon	Neal	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.25 ORDER OF BUSINESS—
CONSIDERATION OF CONFERENCE
REPORT ON H.R. 4059

On motion of Mr. PACKARD, by unanimous consent,

Ordered, That it may be in order at any time to consider a conference report to accompany the bill (H.R. 4059) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes; that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read when called up.

¶77.26 GOLD MEDAL FOR GERALD R. AND BETTY FORD

On motion of Mr. CASTLE, by unanimous consent, the Committee on Banking and Financial Services was discharged from further consideration of the bill (H.R. 3506) to award a congressional gold medal to Gerald R. and Betty Ford.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.27 MILITARY CONSTRUCTION
APPROPRIATIONS FOR FY 1999

Mr. PACKARD, pursuant to the foregoing order of the House, called up the following conference report (Rept. No. 105-647):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4059) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 1999, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$868,726,000, to remain available until September 30, 2003: *Provided*, That of this amount, not to exceed \$64,269,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$604,593,000, to remain available until September 30, 2003: *Provided*, That of this amount, not to exceed

\$60,846,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$615,809,000, to remain available until September 30, 2003: *Provided*, That of this amount, not to exceed \$38,092,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$553,114,000, to remain available until September 30, 2003: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$26,005,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

DEPARTMENT OF DEFENSE MILITARY UNACCOMPANIED HOUSING IMPROVEMENT FUND (RESCISSION OF FUNDS)

Of the funds appropriated for "Department of Defense Military Unaccompanied Housing Improvement Fund" under Public Law 104-196, \$5,000,000 is hereby rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$142,403,000, to remain available until September 30, 2003.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$169,801,000, to remain available until September 30, 2003.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803

of title 10, United States Code, and Military Construction Authorization Acts, \$102,119,000, to remain available until September 30, 2003.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$31,621,000, to remain available until September 30, 2003.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$34,371,000, to remain available until September 30, 2003.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, \$154,000,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$135,290,000, to remain available until September 30, 2003; for Operation and Maintenance, and for debt payment, \$1,094,697,000; in all \$1,229,987,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$295,590,000, to remain available until September 30, 2003; for Operation and Maintenance, and for debt payment, \$912,293,000; in all \$1,207,883,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$280,965,000, to remain available until September 30, 2003; for Operation and Maintenance, and for debt payment, \$783,204,000; in all \$1,064,169,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, \$345,000, to remain available

until September 30, 2003; for Operation and Maintenance, \$36,899,000; in all \$37,244,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,000,000, to remain available until expended, as the sole source of funds for planning, administrative, and oversight costs incurred by the Housing Revitalization Support Office relating to military family housing initiatives undertaken pursuant to 10 U.S.C. 2883, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$427,164,000, to remain available until expended: *Provided*, That not more than \$271,800,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$1,203,738,000, to remain available until expended: *Provided*, That not more than \$426,036,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; or (2) purchases negotiated by the Attorney General or his designee; or (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may

be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. Subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 124. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs or to provide support for non-NATO countries.

SEC. 125. Payments received by the Secretary of the Navy pursuant to subsection (b)(1) of section 2842 of the National Defense Authorization Act, 1993 (Public Law 102-484) are appropriated and shall be available for the purpose authorized in subsection (d) of that section.

SEC. 126. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing, the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on National Security and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 127. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 128. It is the sense of the Congress that the Secretary of the Army should name the "All American Parkway" at Fort Bragg, North Carolina, as the "W.G. 'Bill' Hefner All American Parkway".

This Act may be cited as the "Military Construction Appropriations Act, 1999".
And the Senate agree to the same.

RON PACKARD,
JOHN EDWARD PORTER,
DAVID L. HOBSON,
ROGER F. WICKER,
JACK KINGSTON,
MIKE PARKER,
TODD TIAHRT,
ZACH WAMP,
BOB LIVINGSTON,
W.G. (BILL) HEFNER,
JOHN W. OLVER,
CHET EDWARDS,
BUD CRAMER,
NORMAN DICKS,
DAVID OBEY,

Managers on the Part of the House.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House pass said conference report?

The SPEAKER pro tempore, Mr. LAHOOD, announced that pursuant to clause 7 of rule XV the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 417
affirmative { Nays 1

¶77.28 [Roll No. 353]
YEAS—417

Abercrombie	Camp	Dreier
Ackerman	Campbell	Dunn
Aderholt	Canady	Edwards
Allen	Cannon	Ehlers
Andrews	Capps	Ehrlich
Archer	Cardin	Emerson
Armey	Carson	Engel
Bachus	Castle	English
Baesler	Chabot	Ensign
Baker	Chambliss	Eshoo
Baldacci	Chenoweth	Etheridge
Ballenger	Christensen	Evans
Barcia	Clay	Everett
Barr	Clayton	Ewing
Barrett (NE)	Clement	Farr
Barrett (WI)	Clyburn	Fattah
Bartlett	Coble	Fawell
Barton	Coburn	Fazio
Bass	Collins	Filner
Bateman	Combest	Foley
Becerra	Condit	Forbes
Bentsen	Conyers	Ford
Bereuter	Cook	Fossella
Berman	Cooksey	Fowler
Berry	Costello	Fox
Bilbray	Cox	Franks (NJ)
Bilirakis	Coyne	Frelinghuysen
Bishop	Cramer	Frost
Blagojevich	Crane	Furse
Bliley	Crapo	Gallegly
Blumenauer	Cubin	Ganske
Blunt	Cummings	Gejdenson
Boehlert	Cunningham	Gekas
Boehner	Danner	Gephardt
Bonilla	Davis (FL)	Gibbons
Bonior	Davis (IL)	Gilchrest
Bono	Davis (VA)	Gillmor
Borski	Deal	Gilman
Boswell	DeFazio	Goode
Boucher	DeGette	Goodlatte
Boyd	DeLahunt	Goodling
Brady (PA)	DeLauro	Gordon
Brady (TX)	DeLay	Goss
Brown (CA)	Deutsch	Graham
Brown (FL)	Diaz-Balart	Granger
Brown (OH)	Dickey	Green
Bryant	Dicks	Greenwood
Bunning	Dingell	Gutierrez
Burr	Dixon	Gutknecht
Burton	Doggett	Hall (OH)
Buyer	Dooley	Hall (TX)
Callahan	Doolittle	Hamilton
Calvert	Doyle	Hansen

Hastert	McCrery	Salmon
Hastings (FL)	McDade	Sanchez
Hastings (WA)	McDermott	Sanders
Hayworth	McGovern	Sandlin
Hefley	McHale	Sanford
Hefner	McHugh	Sawyer
Herger	McInnis	Saxton
Hill	McIntosh	Scarborough
Hilleary	McIntyre	Schaefer, Dan
Hilliard	McKeon	Schaffer, Bob
Hinchee	McKinney	Schumer
Hinojosa	McNulty	Scott
Hobson	Meehan	Sensenbrenner
Hoekstra	Meek (FL)	Serrano
Holden	Meeks (NY)	Sessions
Hooley	Menendez	Shadegg
Horn	Metcalfe	Shaw
Hostettler	Mica	Shays
Houghton	Millender-	Sherman
Hoyer	McDonald	Shimkus
Hulshof	Miller (CA)	Shuster
Hunter	Miller (FL)	Sisisky
Hutchinson	Minge	Skaggs
Hyde	Mink	Skeen
Inglis	Mollohan	Skelton
Istook	Moran (KS)	Slaughter
Jackson (IL)	Moran (VA)	Smith (MI)
Jackson-Lee	Morella	Smith (NJ)
(TX)	Murtha	Smith (OR)
Jefferson	Myrick	Smith (TX)
Jenkins	Nadler	Smith, Adam
John	Nethercutt	Smith, Linda
Johnson (CT)	Neumann	Snowbarger
Johnson (WI)	Ney	Snyder
Johnson, E. B.	Northup	Solomon
Johnson, Sam	Nussle	Souder
Jones	Oberstar	Spence
Kanjorski	Obey	Spratt
Kaptur	Olver	Stabenow
Kasich	Ortiz	Stark
Kelly	Owens	Stearns
Kennedy (MA)	Oxley	Stenholm
Kennedy (RI)	Packard	Stokes
Kennelly	Pallone	Strickland
Kildee	Pappas	Stump
Kilpatrick	Parker	Stupak
Kim	Pascrell	Sununu
Kind (WI)	Pastor	Talent
King (NY)	Paxon	Tanner
Kingston	Payne	Tauscher
Klecza	Pease	Tauzin
Klink	Pelosi	Taylor (MS)
Klug	Peterson (MN)	Taylor (NC)
Knollenberg	Peterson (PA)	Thomas
Kolbe	Petri	Thompson
Kucinich	Pickering	Thornberry
LaFalce	Pickett	Thune
LaHood	Pitts	Thurman
Lampson	Pombo	Tiahrt
Lantos	Pomeroy	Tierney
Largent	Porter	Trafficant
Latham	Portman	Turner
LaTourette	Poshard	Upton
Lazio	Price (NC)	Velazquez
Leach	Pryce (OH)	Vento
Lee	Quinn	Visclosky
Levin	Radanovich	Walsh
Lewis (CA)	Rahall	Wamp
Lewis (GA)	Ramstad	Waters
Lewis (KY)	Redmond	Watkins
Lipinski	Regula	Watt (NC)
Livingston	Reyes	Watts (OK)
LoBiondo	Riggs	Waxman
Lofgren	Riley	Weldon (FL)
Lowe	Rivers	Weldon (PA)
Lucas	Rodriguez	Weller
Luther	Roemer	Wexler
Maloney (CT)	Rogan	Weygand
Maloney (NY)	Rohrabacher	White
Manton	Ros-Lehtinen	Wicker
Manzullo	Rothman	Wilson
Markey	Roukema	Wise
Martinez	Roybal-Allard	Wolf
Mascara	Royce	Woolsey
Matsui	Rush	Wynn
McCarthy (MO)	Ryun	Young (AK)
McCarthy (NY)	Sabo	

NAYS—1

Paul
NOT VOTING—16

Duncan
Frank (MA)
Gonzalez
Harman
Linder
McCollum

Moakley
Neal
Norwood
Rangel
Rogers
Torres

Towns
Whitfield
Yates
Young (FL)

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶77.29 ENERGY AND WATER
APPROPRIATIONS FOR FY 1999

On motion of Mr. MCDADE, by unanimous consent, the bill (H.R. 4060) making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. MCDADE, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶77.30 MOTION TO INSTRUCT
CONFEREES—H.R. 4060

Mr. VENTO moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 4060, be instructed to disagree with the provision in title IV of the Senate amendment providing funding for the Denali Commission, and the provision in title VI of the Senate amendment, the authorization for such Commission.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶77.31 CALL OF THE HOUSE

On motion of Mr. MCDADE, a call of the House was ordered.

The call was taken by electronic device, and the following-named Members responded—

¶77.32 [Roll No. 354]
ANSWERED "PRESENT"—403

Abercrombie	Barcia	Bilirakis
Ackerman	Barr	Blagojevich
Aderholt	Barrett (NE)	Bliley
Allen	Barrett (WI)	Blumenauer
Andrews	Bartlett	Blunt
Armey	Barton	Boehlert
Bachus	Bass	Boehner
Baesler	Becerra	Bonilla
Baker	Bentsen	Bonior
Baldacci	Bereuter	Bono
Ballenger	Berry	Borski

Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrist

Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui

McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner

Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence

Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant

Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

Thereupon, the SPEAKER pro tempore, Mr. LAHOOD, announced that 403 Members had been recorded, a quorum.

Further proceedings under the call were dispensed with.

¶77.33 APPOINTMENT OF CONFEREES— H.R. 4060

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, announced the appointment the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4060) making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes:

Messrs. MCDADE, ROGERS, KNOLLENBERG, FRELINGHUYSEN, PARKER, CALAHAN, DICKKEY, LIVINGSTON, FAZIO of California, VISCLOSKY, EDWARDS, PAS-TOR and OBEY.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶77.34 PROVIDING SPECIAL INVESTIGATIVE AUTHORITY FOR EDUCATION AND WORKFORCE COMMITTEE

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 105-658) the resolution (H. Res. 507) providing special investigative authority for the Committee on Education and the Workforce.

When said resolution and report were referred to the House Calendar and ordered printed.

¶77.35 PROVIDING FOR THE CONSIDERATION OF H.R. 4328

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 510):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XXI or section 401(a) of the Congressional Budget Act of 1974 are

waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: beginning with “, of which”, on page 11, line 19, through “Fund” on line 20; page 16, lines 20 through 24; beginning with “: Provided” on page 18, line 2, through “motor carriers” on line 5; and page 54, lines 4 through 8. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered. After debate, The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶77.36 MESSAGE FROM THE PRESIDENT— NATIONAL EMERGENCY WITH RESPECT TO IRAQ

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniver-

sary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1998, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 28, 1998.

By unanimous consent, the message together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 105-291).

¶77.37 MESSAGE FROM THE PRESIDENT—
CORPORATION OF PUBLIC
BROADCASTING ANNUAL REPORT

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with the Public Broadcasting Act of 1967, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting (CPB) for Fiscal Year 1997 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1997.

Thirty years following the establishment of the Corporation for Public Broadcasting, the Congress can take great pride in its creation. During these 30 years, the American public has been educated, inspired, and enriched by the programs and services made possible by this investment.

The need for and the accomplishments of this national network of knowledge have never been more apparent, and as the attached 1997 annual CPB report indicates, by "Going Digital," public broadcasting will have an ever greater capacity for fulfilling its mission.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 29, 1998.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Commerce.

¶77.38 MESSAGE FROM THE PRESIDENT—
NATIONAL EMERGENCY REGARDING
WEAPONS OF MASS DESTRUCTION

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

On November 14, 1994, in light of the danger of the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and of the means of delivering such weapons, using my authority under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), I declared a national emergency and issued Executive Order 12938. Because the proliferation of weapons of mass destruction continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, I have renewed the national emergency declared in Executive Order 12938 annually, most recently on November 14, 1997. Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)), I hereby report to the Congress that I have exercised my statutory authority to issue an Executive order to amend Executive Order 12938 in order to more effectively respond to the worldwide threat of weapons of mass destruction proliferation activities.

The amendment of section 4 of Executive Order 12938 strengthens the original Executive order in several significant ways.

First, the amendment broadens the type of proliferation activity that is subject to potential penalties. Executive Order 12938 covers contributions to the efforts of any foreign country, project, or entity to use, acquire, design, produce, or stockpile chemical or biological weapons (CBW). This amendment adds potential penalties for contributions to foreign programs for nuclear weapons and missiles capable of delivering weapons of mass destruction. For example, the new amendment authorizes the imposition of measures against foreign entities that materially assist Iran's missile program.

Second, the amendment lowers the requirements for imposing penalties. Executive Order 12938 required a finding that a foreign person "knowingly and materially" contributed to a foreign CBW program. The amendment removes the "knowing" requirement as a basis for determining potential penalties. Therefore, the Secretary of State need only determine that the foreign person made a "material" contribution to a weapons of mass destruction or missile program to apply the specified sanctions. At the same time, the Secretary of State will have discretion regarding the scope of sanctions so that a truly unwitting party will not be unfairly punished.

Third, the amendment expands the original Executive order to include "attempts" to contribute to foreign proliferation activities, as well as actual contributions. This will allow imposition of penalties even in cases where foreign persons make an unsuccessful effort to contribute to weapons of mass destruction and missile programs or where authorities block a transaction before it is consummated.

Fourth, the amendment expressly expands the range of potential penalties to include the prohibition of United States Government assistance to the foreign person, as well as United States Government procurement and imports into the United States, which were specified by the original Executive order. Moreover, section 4(b) broadens the scope of the United States Government procurement limitations to include a bar on the procurement of technology, as well as goods or services from any foreign person described in section 4(a). Section 4(d) broadens the scope of import limitations to include a bar on imports of any technology or services produced or provided by any foreign person described in section 4(a).

Finally, this amendment gives the United States Government greater flexibility and discretion in deciding how and to what extent to impose penalties against foreign persons that assist proliferation programs. This provision authorizes the Secretary of State, who will act in consultation with the heads of other interested agencies, to determine the extent to which these measures should be imposed against entities contributing to foreign weapons of mass destruction or missile programs. The Secretary of State will act to further the national security and foreign policy interests of the United States, including principally our non-proliferation objectives. Prior to imposing measures pursuant to this provision, the Secretary of State will take into account the likely effectiveness of such measures in furthering the interests of the United States and the costs and benefits of such measures. This approach provides the necessary flexibility to tailor our responses to specific situations.

I have authorized these actions in view of the danger posed to the national security and foreign policy of the United States by the continuing proliferation of weapons of mass destruction and their means of delivery. I am enclosing a copy of the Executive order that I have issued exercising these authorities.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 28, 1998.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 105-293).

¶77.39 ANNIVERSARY OF RACIAL
INTEGRATION OF ARMED FORCES

On motion of Mr. BUYER, by unanimous consent, the Committee on National Security was discharged from further consideration of the following concurrent resolution (H. Con. Res. 294):

Whereas on July 26, 1948, President Truman issued Executive Order 9881 ordering the integration of the Armed Forces;

Whereas the President stated in the executive order that it was "essential that there be maintained in the armed services of the United States the highest standards of democracy, with equality of treatment and op-

portunity for all those who serve in our country's defense";

Whereas in the executive order the President declared that "there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin";

Whereas, soon after the President issued the executive order, United States forces in Korea were integrated, leading the way to a fully integrated army;

Whereas the Armed Forces have used the implementation and enforcement of the Civil Rights Act of 1964 as additional tools to eliminate discrimination among their military and civilian personnel;

Whereas in 1998 minorities serve in senior leadership positions throughout the Armed Forces, as officers, as senior non-commissioned officers, and as civilian leaders;

Whereas the Armed Forces have demonstrated a continuing commitment to ensuring the equality of treatment and opportunity for all military and civilian personnel of the Armed Forces; and

Whereas the efforts of the Armed Forces to ensure the equality of treatment and opportunity for their personnel have contributed significantly to the advancement of equality of treatment and opportunity for all Americans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the Armed Forces for their efforts, leadership, and success in providing equality of treatment and opportunity for their military and civilian personnel without regard to race, color, religion, or national origin; and

(2) recognizes the Department of Defense's celebration of the 50th Anniversary of the integration of the Armed Forces.

When said concurrent resolution was considered and read twice.

Mr. BUYER submitted the following amendment to the text which was agreed to:

Page 2, line 2, strike "That the Congress" and all that follows and insert the following:

That the Congress commends the Armed Forces for their efforts, leadership, and success in providing equality of treatment and opportunity for their military and civilian personnel without regard to race, color, religion, or national origin.

Mr. BUYER submitted the following amendment to the preamble, which was agreed to:

Page, 1, in the second clause of the preamble insert "50 years ago" after "The President stated".

The concurrent resolution, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: "Concurrent resolution commending the Armed Forces for their efforts, leadership, and success in providing equality of treatment and opportunity for their military and civilian personnel without regard to race, color, religion, or national origin."

A motion to reconsider the votes whereby said concurrent resolution, as amended, was passed and the preamble and the title were amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶77.40 SUBMISSION OF CONFERENCE

REPORT—H.R. 1385

Mr. Bob SHAFER of Colorado submitted a conference report (Rept. No. 105-659) on the bill (H.R. 1385) to consolidate, coordinate, and improve rehabilitation programs in the United States, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶77.41 MESSAGE FROM THE PRESIDENT— D.C. BUDGET REQUEST FOR FY 1999

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with section 202(c) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, I am transmitting the District of Columbia's Fiscal Year 1999 Budget Request Act.

This proposed Fiscal Year 1999 Budget represents the major programmatic objectives of the Mayor, the Council of the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority. It also meets the financial stability and management improvement objectives of the National Capital Revitalization and Self-Government Improvement Act of 1997. For Fiscal Year 1999, the District estimates revenues of \$5.230 billion and total expenditures of \$5.189 billion resulting in a \$41 million budget surplus.

My transmittal of the District of Columbia's budget, as required by law, does not represent an endorsement of its contents.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 28, 1998.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (H. Doc. 105-294).

¶77.42 MESSAGE FROM THE PRESIDENT— DAYTON ACCORDS

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to section 7 of Public Law 105-174, I am providing this report to inform the Congress of ongoing efforts to meet the goals set forth therein.

With my certification to the Congress of March 3, 1998, I outlined ten conditions—or benchmarks—under which Dayton implementation can continue without the support of a major NATO-led military force. Section 7 of Public Law 105-174 urges that we seek concurrence among NATO allies on: (1) the benchmarks set forth with the March 3 certification; (2) estimated target dates for achieving those benchmarks; and (3) a process for NATO to review progress toward achieving those benchmarks. NATO has agreed to move ahead in all these areas.

First, NATO agreed to benchmarks parallel to ours on May 28 as part of its

approval of the Stabilization Force (SFOR) military plan (OPLAN 10407). Furthermore, the OPLAN requires SFOR to develop detailed criteria for each of these benchmarks, to be approved by the North Atlantic Council, which will provide a more specific basis to evaluate progress. SFOR will develop the benchmark criteria in coordination with appropriate international civilian agencies.

Second, with regard to timelines, the United States proposed that NATO military authorities provide an estimate of the time likely to be required for implementation of the military and civilian aspects of the Dayton Agreement based on the benchmark criteria. Allies agreed to this approach on June 10. As SACEUR General Wes Clark testified before the Senate Armed Services Committee June 4, the development and approval of the criteria and estimated target dates should take 2 to 3 months.

Third, with regard to a review process, NATO will continue the 6-month review process that began with the deployment of the Implementation Force (IFOR) in December 1995, incorporating the benchmarks and detailed criteria. The reviews will include an assessment of the security situation, an assessment of compliance by the parties with the Dayton Agreement, an assessment of progress against the benchmark criteria being developed by SFOR, recommendations on any changes in the level of support to civilian agencies, and recommendations on any other changes to the mission and tasks of the force.

While not required under Public Law 105-174, we have sought to further utilize this framework of benchmarks and criteria for Dayton implementation among civilian implementation agencies. The Steering Board of the Peace Implementation Council (PIC) adopted the same framework in its Luxembourg declaration of June 9, 1998. The declaration, which serves as the civilian implementation agenda for the next 6 months, now includes language that corresponds to the benchmarks in the March 3 certification to the Congress and in the SFOR OPLAN. In addition, the PIC Steering Board called on the High Representative to submit a report on the progress made in meeting these goals by mid-September, which will be considered in the NATO 6-month review process.

The benchmark framework, now approved by military and civilian implementers, is clearly a better approach than setting a fixed, arbitrary end date to the mission. This process will produce a clear picture of where intensive efforts will be required to achieve our goal: a self-sustaining peace process in Bosnia and Herzegovina for which a major international military force will no longer be necessary. Experience demonstrates that arbitrary deadlines can prove impossible to meet and tend to encourage those who would wait us out or undermine our credibility. Realistic target dates, combined

with concerted use of incentives, leverage and pressure with all the parties, should maintain the sense of urgency necessary to move steadily toward an enduring peace. While the benchmark process will be useful as a tool both to promote and review the pace of Dayton implementation, the estimated target dates established will be notional, and their attainment dependent upon a complex set of interdependent factors.

We will provide a supplemental report once NATO has agreed upon detailed criteria and estimated target dates. The continuing 6-month reviews of the status of implementation will provide a useful opportunity to continue to consult with Congress. These reviews, and any updates to the estimated timelines for implementation, will be provided in subsequent reports submitted pursuant to Public Law 105-174. I look forward to continuing to work with the Congress in pursuing U.S. foreign policy goals in Bosnia and Herzegovina.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 28, 1998.

By unanimous consent, the message was referred to the Committee on International Relations and ordered to be printed (H. Doc. 105-292).

77.43 DEPARTMENT OF
TRANSPORTATION APPROPRIATIONS
FOR FY 1999

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 510 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, designated Mr. GILLMOR as Chairman of the Committee of the Whole; and after some time spent therein,

THURSDAY, JULY 30 (LEGISLATIVE
DAY OF JULY 29), 1998

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

When Mr. GILLMOR, Chairman, pursuant to House Resolution 510, reported the bill, as amended by that rule, back to the House with further sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

Pursuant to House Resolution 510, the following amendments in House Report 105-651 were considered as adopted:

Page 57, strike sections 345 and 346.

At the end of title III (preceding the short title; page—, after line—), add the following:

SEC.—. CONVEYANCE OF COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY IN JACKSONVILLE, FLORIDA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey to Jacksonville University,

located in Jackson, Florida, without consideration, all right, title, and interest of the United States in and to the property comprising the Long Branch Rear Range Light, Jacksonville, Florida.4(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—Any conveyance of any property under this section shall be made—

(1) subject to such terms and conditions as the Commandant may consider appropriate; and

(2) subject to the condition that all right, title, and interest in and to the property conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by Jacksonville University.

The following further amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

On page 11, line 19 of the bill, after “\$532,558,000,” insert the following: “of which \$1,972,500,000 shall be derived from the Airport and Airway Trust Fund”.

On page 26, strike lines 1 through 2.

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in title I under the heading “OFFICE OF THE SECRETARY—AMTRAK REFORM COUNCIL” may be used for payments to outside consultants.

At the end of title III, insert the following:

None of the funds made available in this Act may be used for improvements to the Miller Highway in New York City, except for funds resulting from obligations pursuant to sections 1601 and 1602 of the Transportation Equity Act for the 21st Century (P.L. 105-178).

Page 53, line 15, strike “is hereby authorized to” and insert “shall”.

Page 53, line 18, strike the colon and all that follows through “time as” on line 20 and insert “if”.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that pursuant to clause 7 of rule XV the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 391
affirmative { Nays 25

77.44 [Roll No. 355]
YEAS—391

Abercrombie	Bereuter	Brown (CA)
Ackerman	Berman	Brown (FL)
Aderholt	Berry	Brown (OH)
Allen	Bilbray	Bryant
Andrews	Bilirakis	Bunning
Archer	Bishop	Burton
Armey	Blagojevich	Buyer
Bachus	Bliley	Callahan
Baesler	Blumenauer	Calvert
Baker	Blunt	Camp
Baldacci	Boehlert	Canady
Ballenger	Boehner	Cannon
Barcia	Bonilla	Capps
Barr	Bonior	Cardin
Barrett (NE)	Bono	Carson
Barrett (WI)	Borski	Castle
Bartlett	Boswell	Chambliss
Barton	Boucher	Christensen
Bass	Boyd	Clay
Bateman	Brady (PA)	Clayton
Bentsen	Brady (TX)	Clement

Clyburn	Hoyer	Oberstar
Coble	Hulshof	Obey
Coburn	Hunter	Olver
Collins	Hutchinson	Ortiz
Combest	Hyde	Owens
Condit	Inglis	Oxley
Conyers	Istook	Packard
Cook	Jackson (IL)	Pallone
Cooksey	Jackson-Lee	Pappas
Costello	(TX)	Parker
Coyne	Jefferson	Pascrell
Cramer	Jenkins	Pastor
Crapo	John	Paxon
Cubin	Johnson (CT)	Payne
Cummings	Johnson (WI)	Pease
Cunningham	Johnson, E. B.	Pelosi
Danner	Kanjorski	Peterson (MN)
Davis (FL)	Kaptur	Peterson (PA)
Davis (IL)	Kelly	Petri
Davis (VA)	Kennedy (MA)	Pickering
Deal	Kennedy (RI)	Pickett
DeFazio	Kennelly	Pitts
DeGette	Kildee	Pombo
Delahunt	Kilpatrick	Pomeroy
DeLauro	Kim	Porter
DeLay	Kind (WI)	Portman
Deutsch	King (NY)	Poshard
Diaz-Balart	Kingston	Price (NC)
Dickey	Klecza	Pryce (OH)
Dicks	Klink	Quinn
Dixon	Klug	Radanovich
Doggett	Knollenberg	Rahall
Dooley	Kolbe	Ramstad
Doolittle	LaFalce	Rangel
Doyle	LaHood	Redmond
Dreier	Lampson	Regula
Duncan	Lantos	Reyes
Dunn	Largent	Riggs
Edwards	Latham	Riley
Ehlers	Lazio	Rivers
Ehrlich	Leach	Rodriguez
Emerson	Lee	Roemer
Engel	Levin	Rogan
English	Lewis (CA)	Rogers
Ensign	Lewis (GA)	Rohrabacher
Eshoo	Lewis (KY)	Ros-Lehtinen
Etheridge	Linder	Rothman
Evans	Lipinski	Roukema
Everett	Livingston	Roybal-Allard
Farr	LoBiondo	Rush
Fattah	Lofgren	Ryun
Fawell	Lowey	Sabo
Filner	Lucas	Sanchez
Foley	Luther	Sanders
Forbes	Maloney (CT)	Sandlin
Ford	Maloney (NY)	Sawyer
Fossella	Manton	Saxton
Fowler	Manzullo	Scarborough
Fox	Markey	Schaefer, Dan
Franks (NJ)	Martinez	Schumer
Frelinghuysen	Mascara	Scott
Frost	Matsui	Sensenbrenner
Furse	McCarthy (MO)	Serrano
Galleghy	McCarthy (NY)	Shaw
Ganske	McCollum	Shays
Gejdenson	McCrery	Sherman
Gekas	McDermott	Shimkus
Gephardt	McGovern	Shuster
Gibbons	McHale	Sisisky
Gilchrest	McHugh	Skaggs
Gillmor	McInnis	Skeen
Gilman	McIntosh	Skelton
Goode	McIntyre	Slaughter
Goodlatte	McKeon	Smith (MI)
Goodling	McKinney	Smith (NJ)
Gordon	McNulty	Smith (TX)
Goss	Meehan	Smith, Adam
Granger	Meek (FL)	Smith, Linda
Green	Meeks (NY)	Snowbarger
Greenwood	Menendez	Snyder
Gutierrez	Metcalf	Solomon
Gutknecht	Mica	Spence
Hall (TX)	Millender-	Spratt
Hamilton	McDonald	Stabenow
Hansen	Miller (CA)	Stenholm
Hastert	Miller (FL)	Stokes
Hastings (FL)	Minge	Strickland
Hastings (WA)	Mink	Stupak
Hefley	Mollohan	Sununu
Hefner	Moran (VA)	Talent
Hilleary	Morella	Tanner
Hilliard	Myrick	Tauscher
Hinchey	Nadler	Tauzin
Hinojosa	Neal	Taylor (MS)
Hobson	Nethercutt	Taylor (NC)
Holden	Neumann	Thomas
Hooley	Ney	Thompson
Horn	Northup	Thornberry
Hostettler	Norwood	Thune
Houghton	Nussle	Thurman

Tiaht	Walsh	Weygand
Tierney	Wamp	White
Torres	Waters	Whitfield
Towns	Watkins	Wicker
Traficant	Watt (NC)	Wilson
Turner	Watts (OK)	Wise
Upton	Waxman	Wolf
Velazquez	Weldon (FL)	Woolsey
Vento	Weldon (PA)	Wynn
Visclosky	Weller	Young (AK)

NAYS—25

Burr	Hoekstra	Schaffer, Bob
Campbell	Jones	Sessions
Chabot	Kasich	Shadegg
Chenoweth	Kucinich	Souder
Crane	Moran (KS)	Stearns
Graham	Paul	Stump
Hayworth	Royce	Wexler
Herger	Salmon	
Hill	Sanford	

NOT VOTING—18

Becerra	Gonzalez	Moakley
Cox	Hall (OH)	Murtha
Dingell	Harman	Smith (OR)
Ewing	Johnson, Sam	Stark
Fazio	LaTourette	Yates
Frank (MA)	McDade	Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

77.45 PRODUCT LIABILITY

On motion of Mr. GEKAS, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 872) to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

When said bill was considered and read twice.

The following amendment, recommended by the Committee on the Judiciary, was then agreed to:

Strike out all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE

This Act may be cited as the "Biomaterials Access Assurance Act of 1998".

SEC. 2. FINDINGS.

The Congress finds that—

(1) each year millions of citizens of the United States depend on the availability of lifesaving or life-enhancing medical devices, many of which are permanently implantable within the human body;

(2) a continued supply of raw materials and component parts is necessary for the invention, development, improvement, and maintenance of the supply of the devices;

(3) most of the medical devices are made with raw materials and component parts that—

(A) move in interstate commerce;

(B) are not designed or manufactured specifically for use in medical devices; and

(C) come in contact with internal human tissue;

(4) the raw materials and component parts also are used in a variety of nonmedical products;

(5) because small quantities of the raw materials and component parts are used for medical devices, sales of raw materials and component parts for medical devices constitute an extremely small portion of the overall market for the raw materials and component parts;

(6) under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) manufacturers of medical devices are required to dem-

onstrate that the medical devices are safe and effective, including demonstrating that the products are properly designed and have adequate warnings or instructions;

(7) notwithstanding the fact that raw materials and component parts suppliers do not design, produce, or test a final medical device, the suppliers have been the subject of actions alleging inadequate—

(A) design and testing of medical devices manufactured with materials or parts supplied by the suppliers; or

(B) warnings related to the use of such medical devices;

(8) even though suppliers of raw materials and component parts have very rarely been held liable in such actions, such suppliers have ceased supplying certain raw materials and component parts for use in medical devices for a number of reasons, including concerns about the costs of such litigation;

(9) unless alternate sources of supply can be found, the unavailability of raw materials and component parts for medical devices will lead to unavailability of lifesaving and life-enhancing medical devices;

(10) because other suppliers of the raw materials and component parts in foreign nations are refusing to sell raw materials or component parts for use in manufacturing certain medical devices in the United States, the prospects for development of new sources of supply for the full range of threatened raw materials and component parts for medical devices are remote;

(11) it is unlikely that the small market for such raw materials and component parts in the United States could support the large investment needed to develop new suppliers of such raw materials and component parts;

(12) attempts to develop such new suppliers would raise the cost of medical devices;

(13) courts that have considered the duties of the suppliers of the raw materials and component parts have generally found that the suppliers do not have a duty—

(A) to evaluate the safety and efficacy of the use of a raw material or component part in a medical device; or

(B) to warn consumers concerning the safety and effectiveness of a medical device;

(14) because medical devices and the raw materials and component parts used in their manufacture move in interstate commerce, a shortage of such raw materials and component parts affects interstate commerce;

(15) in order to safeguard the availability of a wide variety of lifesaving and life-enhancing medical devices, immediate action is needed—

(A) to clarify the permissible bases of liability for suppliers of raw materials and component parts for medical devices; and

(B) to provide expeditious procedures to dispose of unwarranted suits against the suppliers in such manner as to minimize litigation costs;

(16) the several States and their courts are the primary architects and regulators of our tort system; Congress, however, must, in certain circumstances involving the national interest, address tort issues, and a threatened shortage of raw materials and component parts for life-saving medical devices is one such circumstance; and

(17) the protections set forth in this Act are needed to assure the continued supply of materials for life-saving medical devices, although such protections do not protect negligent suppliers.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) BIOMATERIALS SUPPLIER.—

(A) IN GENERAL.—The term "biomaterials supplier" means an entity that directly or indirectly supplies a component part or raw material for use in the manufacture of an implant

(B) PERSONS INCLUDED.—Such term includes any person who—

(i) has submitted master files to the Secretary for purposes of premarket approval of a medical device; or

(ii) licenses a biomaterials supplier to produce component parts or raw materials.

(2) CLAIMANT.—

(A) IN GENERAL.—The term "claimant" means any person who brings a civil action, or on whose behalf a civil action is brought, arising from harm allegedly caused directly or indirectly by an implant, including a person other than the individual into whose body, or in contact with whose blood or tissue, the implant is placed, who claims to have suffered harm as a result of the implant.

(B) ACTION BROUGHT ON BEHALF OF AN ESTATE.—With respect to an action brought on behalf of or through the estate of a deceased individual into whose body, or in contact with whose blood or tissue the implant was placed, such term includes the decedent that is the subject of the action.

(C) ACTION BROUGHT ON BEHALF OF A MINOR OR INCOMPETENT.—With respect to an action brought on behalf of or through a minor or incompetent, such term includes the parent or guardian of the minor or incompetent.

(D) EXCLUSIONS.—Such term does not include—

(i) a provider of professional health care services in any case in which—

(I) the sale or use of an implant is incidental to such services; and

(II) the essence of the professional health care services provided is the furnishing of judgment, skill, or services;

(ii) a person acting in the capacity of a manufacturer, seller, or biomaterials supplier; or

(iii) a person alleging harm caused by either the silicone gel or the silicone envelope utilized in a breast implant containing silicone gel, except that—

(I) neither the exclusion provided by this clause nor any other provision of this Act may be construed as a finding that silicone gel (or any other form of silicone) may or may not cause harm; and

(II) the existence of the exclusion under this clause may not—

(aa) be disclosed to a jury in any civil action or other proceeding, and

(bb) except as necessary to establish the applicability of this Act, otherwise be presented in any civil action or other proceeding.

(3) COMPONENT PART.—

(A) IN GENERAL.—The term "component part" means a manufactured piece of an implant.

(B) CERTAIN COMPONENTS.—Such term includes a manufactured piece of an implant that—

(i) has significant non-implant applications; and

(ii) alone, has no implant value or purpose, but when combined with other component parts and materials, constitutes an implant.

(4) HARM.—

(A) IN GENERAL.—The term "harm" means—

(i) any injury to or damage suffered by an individual;

(ii) any illness, disease, or death of that individual resulting from that injury or damage; and

(iii) any loss to that individual or any other individual resulting from that injury or damage.

(B) EXCLUSION.—The term does not include any commercial loss or loss of or damage to an implant.

(5) IMPLANT.—The term "implant" means—

(A) a medical device that is intended by the manufacturer of the device—

(i) to be placed into a surgically or naturally formed or existing cavity of the body for a period of at least 30 days; or

(ii) to remain in contact with bodily fluids or internal human tissue through a surgically produced opening for a period of less than 30 days; and

(B) suture materials used in implant procedures.

(6) MANUFACTURER.—The term “manufacturer” means any person who, with respect to an implant—

(A) is engaged in the manufacture, preparation, propagation, compounding, or processing (as defined in section 510(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(a)(1)) of the implant; and

(B) is required—

(i) to register with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) to include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section.

(7) MEDICAL DEVICE.—The term “medical device” means a device, as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)), and includes any device component of any combination product as that term is used in section 503(g) of such Act (21 U.S.C. 353(g)).

(8) RAW MATERIAL.—The term “raw material” means a substance or product that—

(A) has a generic use; and

(B) may be used in an application other than an implant.

(9) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(10) SELLER.—

(A) IN GENERAL.—The term “seller” means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, packages, labels, or otherwise places an implant in the stream of commerce.

(B) EXCLUSIONS.—The term does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional health care services in any case in which—

(I) the sale or use of the implant is incidental to such services; and

(II) the essence of the professional health care services provided is the furnishing of judgment, skill, or services; or

(iii) any person who acts in only a financial capacity with respect to the sale of an implant.

SEC. 4. GENERAL REQUIREMENTS; APPLICABILITY; PREEMPTION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—In any civil action covered by this Act, a biomaterials supplier may—

(A) raise any exclusion from liability set forth in section 5; and

(B) make a motion for dismissal or for summary judgment as set forth in section 6.

(2) PROCEDURES.—Notwithstanding any other provision of law, a Federal or State court in which an action covered by this Act is pending shall, in connection with a motion under section 6 or 7, use the procedures set forth in this Act.

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), this Act applies to any civil action brought by a claimant, whether in a Federal or State court, on the basis of any legal theory, for harm allegedly caused, directly or indirectly, by an implant.

(2) EXCLUSION.—A civil action brought by a purchaser of a medical device, purchased for use in providing professional health care services, for loss or damage to an implant or for commercial loss to the purchaser—

(A) shall not be considered an action that is subject to this Act; and

(B) shall be governed by applicable commercial or contract law.

(c) SCOPE OF PREEMPTION.—

(1) IN GENERAL.—This Act supersedes any State law regarding recovery for harm caused by an implant and any rule of procedure applicable to a civil action to recover damages for such harm only to the extent that this Act establishes a rule of law applicable to the recovery of such damages.

(2) APPLICABILITY OF OTHER LAWS.—Any issue that arises under this Act and that is not governed by a rule of law applicable to the recovery of damages described in paragraph (1) shall be governed by applicable Federal or State law.

(d) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed—

(1) to affect any defense available to a defendant under any other provisions of Federal or State law in an action alleging harm caused by an implant; or

(2) to create a cause of action or Federal court jurisdiction pursuant to section 1331 or 1337 of title 28, United States Code, that otherwise would not exist under applicable Federal or State law.

SEC. 5. LIABILITY OF BIOMATERIALS SUPPLIERS.

(a) IN GENERAL.—Except as provided in section 7, a biomaterials supplier shall not be liable for harm to a claimant caused by an implant unless such supplier is liable—

(1) as a manufacturer of the implant, as provided in subsection (b);

(2) as a seller of the implant, as provided in subsection (c); or

(3) for furnishing raw materials or component parts for the implant that failed to meet applicable contractual requirements or specifications, as provided in subsection (d).

(b) LIABILITY AS MANUFACTURER.—

(1) IN GENERAL.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant if the biomaterials supplier is the manufacturer of the implant.

(2) GROUNDS FOR LIABILITY.—The biomaterials supplier may be considered the manufacturer of the implant that allegedly caused harm to a claimant only if the biomaterials supplier—

(A) (i) registered or was required to register with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) included or was required to include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section;

(B) is the subject of a declaration issued by the Secretary pursuant to paragraph (3) that states that the supplier, with respect to the implant that allegedly caused harm to the claimant, was required to—

(i) register with the Secretary under section 510 of such Act (21 U.S.C. 360), and the regulations issued under such section, but failed to do so; or

(ii) include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section, but failed to do so; or

(C) is related by common ownership or control to a person meeting all the requirements described in subparagraph (A) or (B), if the court deciding a motion to dismiss in accordance with section 6(c)(3)(B)(i) finds, on the basis of affidavits submitted in accordance with section 6, that it is necessary to impose liability on the biomaterials supplier as a manufacturer because the related manufacturer meeting the requirements of subpara-

graph (A) or (B) lacks sufficient financial resources to satisfy any judgment that the court feels it is likely to enter should the claimant prevail.

(3) ADMINISTRATIVE PROCEDURES.—

(A) IN GENERAL.—The Secretary may issue a declaration described in paragraph (2)(B) on the motion of the Secretary or on petition by any person, after providing—

(i) notice to the affected persons; and

(ii) an opportunity for an informal hearing.

(B) DOCKETING AND FINAL DECISION.—Immediately upon receipt of a petition filed pursuant to this paragraph, the Secretary shall docket the petition. Not later than 120 days after the petition is filed, the Secretary shall issue a final decision on the petition.

(C) APPLICABILITY OF STATUTE OF LIMITATIONS.—Any applicable statute of limitations shall toll during the period from the time a claimant files a petition with the Secretary under this paragraph until such time as either (i) the Secretary issues a final decision on the petition, or (ii) the petition is withdrawn.

(D) STAY PENDING PETITION FOR DECLARATION.—If a claimant has filed a petition for a declaration with respect to a defendant, and the Secretary has not issued a final decision on the petition, the court shall stay all proceedings with respect to that defendant until such time as the Secretary has issued a final decision on the petition.

(c) LIABILITY AS SELLER.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable as a seller for harm to a claimant caused by an implant only if—

(1) the biomaterials supplier—

(A) held title to the implant and then acted as a seller of the implant after its initial sale by the manufacturer; or

(B) acted under contract as a seller to arrange for the transfer of the implant directly to the claimant after the initial sale by the manufacturer of the implant; or

(2) the biomaterials supplier is related by common ownership or control to a person meeting all the requirements described in paragraph (1), if a court deciding a motion to dismiss in accordance with section 6(c)(3)(B)(ii) finds, on the basis of affidavits submitted in accordance with section 6, that it is necessary to impose liability on the biomaterials supplier as a seller because the related seller meeting the requirements of paragraph (1) lacks sufficient financial resources to satisfy any judgment that the court feels it is likely to enter should the claimant prevail.

(d) LIABILITY FOR FAILURE TO MEET APPLICABLE CONTRACTUAL REQUIREMENTS OR SPECIFICATIONS.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant if the claimant in an action shows, by a preponderance of the evidence, that—

(1) the biomaterials supplier supplied raw materials or component parts for use in the implant that either—

(A) did not constitute the product described in the contract between the biomaterials supplier and the person who contracted for the supplying of the product; or

(B) failed to meet any specifications that were—

(i) accepted, pursuant to applicable law, by the biomaterials supplier;

(ii) published by the biomaterials supplier;

(iii) provided by the biomaterials supplier to the person who contracted for such product;

(iv) contained in a master file that was submitted by the biomaterials supplier to the Secretary and that is currently maintained by the biomaterials supplier for purposes of premarket approval of medical devices; or

(v) included in the submissions for purposes of premarket approval or review by the Secretary under section 510, 513, 515, or 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360, 360c, 360e, or 360j), and received clearance from the Secretary if such specifications were accepted, pursuant to applicable law, by the biomaterials supplier; and

(2) such failure to meet applicable contractual requirements or specifications was an actual and proximate cause of the harm to the claimant.

SEC. 6. PROCEDURES FOR DISMISSAL OF CIVIL ACTIONS AGAINST BIOMATERIALS SUPPLIERS.

(a) MOTION TO DISMISS.—A defendant may, at any time during which a motion to dismiss may be filed under applicable law, move to dismiss an action against it on the grounds that the defendant is a biomaterials supplier and one or more of the following:

(1) The defendant is not liable as a manufacturer, as provided in section 5(b).

(2) The defendant is not liable as a seller, as provided in section 5(c).

(3) The defendant is not liable for furnishing raw materials or component parts for the implant that failed to meet applicable contractual requirements or specifications, as provided in section 5(d).

(4) The claimant did not name the manufacturer as a party to the action, as provided in subsection (b).

(b) MANUFACTURER OF IMPLANT SHALL BE NAMED A PARTY.—In any civil action covered by this Act, the claimant shall be required to name the manufacturer of the implant as a party to the action, unless—

(1) the manufacturer is subject to service of process solely in a jurisdiction in which the biomaterials supplier is not domiciled or subject to a service of process; or

(2) a claim against the manufacturer is barred by applicable law or rule of practice.

(c) PROCEEDING ON MOTION TO DISMISS.—The following rules shall apply to any proceeding on a motion to dismiss filed by a defendant under this section:

(1) EFFECT OF MOTION TO DISMISS ON DISCOVERY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if a defendant files a motion to dismiss under subsection (a), no discovery shall be permitted in connection with the action that is the subject of the motion, other than discovery necessary to determine a motion to dismiss for lack of jurisdiction, until such time as the court rules on the motion to dismiss.

(B) DISCOVERY.—If a defendant files a motion to dismiss under subsection (a)(3) on the grounds that it did not furnish raw materials or component parts for the implant that failed to meet applicable contractual requirements or specifications, the court may permit discovery limited to issues that are directly relevant to—

(i) the pending motion to dismiss; or

(ii) the jurisdiction of the court.

(2) AFFIDAVITS.—

(A) DEFENDANT.—A defendant may submit affidavits supporting the grounds for dismissal contained in its motion to dismiss under subsection (a). If the motion is made under subsection (a)(1), the defendant may submit an affidavit demonstrating that the defendant has not included the implant on a list, if any, filed with the Secretary pursuant to section 510(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(j)).

(B) CLAIMANT.—In response to a motion to dismiss, the claimant may submit affidavits demonstrating that—

(i) the Secretary has, with respect to the defendant and the implant that allegedly caused harm to the claimant, issued a declaration pursuant to section 5(b)(2)(B); or

(ii) the defendant is a seller of the implant who is liable under section 5(c).

(3) BASIS OF RULING ON MOTION TO DISMISS.—The court shall rule on a motion to dismiss filed under subsection (a) solely on the basis of the pleadings and affidavits of the parties made pursuant to this subsection. The court shall grant a motion to dismiss filed under subsection (a)—

(A) unless the claimant submits a valid affidavit that demonstrates that the defendant is not a biomaterials supplier;

(B) unless the court determines, to the extent raised in the pleadings and affidavits, that one or more of the following apply:

(i) the defendant may be liable as a manufacturer, as provided in section 5(b);

(ii) the defendant may be liable as a seller, as provided in section 5(c); or

(iii) the defendant may be liable for furnishing raw materials or component parts for the implant that failed to meet applicable contractual requirements or specifications, as provided in section 5(d); or

(C) if the claimant did not name the manufacturer as a party to the action, as provided in subsection (b).

(4) TREATMENT OF MOTION AS MOTION FOR SUMMARY JUDGMENT.—The court may treat a motion to dismiss as a motion for summary judgment subject to subsection (d) in order to determine whether the pleadings and affidavits, in connection with such action, raise genuine issues of material fact concerning whether the defendant furnished raw materials or component parts of the implant that failed to meet applicable contractual requirements or specifications as provided in section 5(d).

(d) SUMMARY JUDGMENT.—

(1) IN GENERAL.—

(A) BASIS FOR ENTRY OF JUDGMENT.—If a motion to dismiss of a biomaterials supplier is to be treated as a motion for summary judgment under subsection (c)(4) or if a biomaterials supplier moves for summary judgment, the biomaterials supplier shall be entitled to entry of judgment without trial if the court finds there is no genuine issue of material fact for each applicable element set forth in paragraphs (1) and (2) of section 5(d).

(B) ISSUES OF MATERIAL FACT.—With respect to a finding made under subparagraph (A), the court shall consider a genuine issue of material fact to exist only if the evidence submitted by the claimant would be sufficient to allow a reasonable jury to reach a verdict for the claimant if the jury found the evidence to be credible.

(2) DISCOVERY MADE PRIOR TO A RULING ON A MOTION FOR SUMMARY JUDGMENT.—If, under applicable rules, the court permits discovery prior to a ruling on a motion for summary judgment governed by section 5(d), such discovery shall be limited solely to establishing whether a genuine issue of material fact exists as to the applicable elements set forth in paragraphs (1) and (2) of section 5(d).

(3) DISCOVERY WITH RESPECT TO A BIOMATERIALS SUPPLIER.—A biomaterials supplier shall be subject to discovery in connection with a motion seeking dismissal or summary judgment on the basis of the inapplicability of section 5(d) or the failure to establish the applicable elements of section 5(d) solely to the extent permitted by the applicable Federal or State rules for discovery against nonparties.

(e) DISMISSAL WITH PREJUDICE.—An order granting a motion to dismiss or for summary judgment pursuant to this section shall be entered with prejudice, except insofar as the moving defendant may be rejoined to the action as provided in section 7.

(f) MANUFACTURER CONDUCT OF LITIGATION.—The manufacturer of an implant that is the subject of an action covered under this Act shall be permitted to conduct litigation on any motion for summary judgment or dismissal filed by a biomaterials supplier who is a defendant under this section on behalf of

such supplier if the manufacturer and any other defendant in such action enter into a valid and applicable contractual agreement under which the manufacturer agrees to bear the cost of such litigation or to conduct such litigation.

SEC. 7. SUBSEQUENT IMPEALER OF DISMISSED BIOMATERIALS SUPPLIER.

(a) IMPEALING OF DISMISSED DEFENDANT.—A court, upon motion by a manufacturer or a claimant within 90 days after entry of a final judgment in an action by the claimant against a manufacturer, and notwithstanding any otherwise applicable statute of limitations, may implead a biomaterials supplier who has been dismissed from the action pursuant to this Act if—

(1) the manufacturer has made an assertion, either in a motion or other pleading filed with the court or in an opening or closing statement at trial, or as part of a claim for contribution or indemnification, and the court finds based on the court's independent review of the evidence contained in the record of the action, that under applicable law—

(A) the negligence or intentionally tortious conduct of the dismissed supplier was an actual and proximate cause of the harm to the claimant; and

(B) the manufacturer's liability for damages should be reduced in whole or in part because of such negligence or intentionally tortious conduct; or

(2) the claimant has moved to implead the supplier and the court finds, based on the court's independent review of the evidence contained in the record of the action, that under applicable law—

(A) the negligence or intentionally tortious conduct of the dismissed supplier was an actual and proximate cause of the harm to the claimant; and

(B) the claimant is unlikely to be able to recover the full amount of its damages from the remaining defendants.

(b) STANDARD OF LIABILITY.—Notwithstanding any preliminary finding under subsection (a), a biomaterials supplier who has been impleaded into an action covered by this Act, as provided for in this section—

(1) may, prior to entry of judgment on the claim against it, supplement the record of the proceeding that was developed prior to the grant of the motion for impleader under subsection (a), and

(2) may be found liable to a manufacturer or a claimant only to the extent required and permitted by any applicable State or Federal law other than this Act.

(c) DISCOVERY.—Nothing in this section shall give a claimant or any other party the right to obtain discovery from a biomaterials supplier at any time prior to grant of a motion for impleader beyond that allowed under section 6.

SEC. 8. EFFECTIVE DATE.

This Act shall apply to all civil actions covered under this Act that are commenced on or after the date of enactment of this Act, including any such action with respect to which the harm asserted in the action or the conduct that caused the harm occurred before the date of enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.46 TERRY SANFORD FEDERAL BUILDING

On motion of Mr. KIM, by unanimous consent, the House called up the bill (H.R. 3982) to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building".

When said bill was considered and read twice.

The following amendment, recommended by the Committee on Transportation and Infrastructure, was then agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION.

The Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, shall be known and designated as the "Terry Sanford Federal Building".

SEC. 2. REFERENCES.

Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Terry Sanford Federal Building".

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.47 CAPITOL GROUNDS USE BY U.S. LUGE ASSOCIATION

On motion of Mr. KIM, by unanimous consent, the Committee on Transportation and Infrastructure was discharged from further consideration of the following concurrent resolution (H. Con. Res. 305):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF AMERICAN LUGE RACES ON CAPITOL GROUNDS.

The American Luge Association (in this resolution referred to as the "Association") shall be permitted to sponsor a public event, luge races, on the Capitol grounds on August 8 and 9, 1998, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

When said concurrent resolution was considered.

Mr. KIM submitted the following amendment which was agreed to:

Strike out all after the resolving clause and insert the following:

SECTION 1. AUTHORIZATION OF UNITED STATES LUGE ASSOCIATION CLINIC ON CAPITOL GROUNDS.

The United States Luge Association (in this resolution referred to as the "sponsor") shall be permitted to sponsor a clinic (in this resolution referred to as the "event") on the Capitol grounds on August 8 and 9, 1998, or on such other dates as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event authorized by section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event, including arrangements to limit access to a portion of Constitution Avenue as required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

(a) IN GENERAL.—No person may represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of any person or any product or service.

(b) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in the event authorized by section 1 as the Architect of the Capitol and the Capitol Police Board considers appropriate, under which such persons shall agree to comply with the requirements of subsection (a). The agreement shall specifically prohibit the use of any photograph taken at the event for a commercial purpose and shall provide for the imposition of financial penalties if any violations of the agreement occur.

The concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: "Concurrent resolution authorizing the use of the Capitol grounds for a clinic to be conducted by the United States Luge Association."

A motion to reconsider the votes whereby said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶77.48 HOUR OF MEETING

On motion of Mr. BURR, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Thursday, July 30, 1998 at 1 o'clock p.m.

¶77.49 HOUR OF MEETING

On motion of Mr. BURR, by unanimous consent,

Ordered, That when the House adjourns on Thursday, July 30, 1998, it adjourn to meet at 1:00 p.m. on Friday, July 31, 1998.

¶77.50 BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 39. An Act to reauthorize the African Elephant Conservation Act.

¶77.51 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. RIGGS, for July 30 and July 31; and

To Mr. YATES, for today after 7 p.m. And then,

¶77.52 ADJOURNMENT

On motion of Mr. BURR, pursuant to the special order heretofore agreed to, at 1 o'clock and 3 minutes a.m., Thursday, July 30 (legislative day of Wednesday, July 29), 1998, the House adjourned until 1 o'clock p.m. on Thursday, July 30, 1998.

¶77.53 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. House Joint Resolution 120. Resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; adversely (Rept. No. 105-653). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3482. A bill to designate the Federal building located at 11000 Wilshire Boulevard in Los Angeles, California, as the "Abraham Lincoln Federal Building" (Rept. No. 105-654). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3598. A bill to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal Building" (Rept. No. 105-655). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. S. 2032. A act to designate the Federal building in Juneau, Alaska, as the "Hurff A. Saunders Federal Building"; with amendments (Rept. No. 105-656). Referred to the House Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3736. A bill to amend the Immi-

gration and Nationality Act to make changes relating to H-1B nonimmigrants; with an amendment (Rept. No. 105-657). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 507. Resolution providing special investigative authority for the Committee on Education and the Workforce; with an amendment (Rept. No. 105-658). Referred to the House Calendar.

Mr. GOODLING: Committee of Conference. Conference report on H.R. 1385. A bill to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes (Rept. No. 105-659). Ordered to be printed.

¶77.54 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE (for himself and Mr. MATSUI):

H.R. 4342. A bill to make miscellaneous and technical changes to various trade laws, and for other purposes; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 4343. A bill to amend the Congressional Budget Act of 1974 regarding the application of points of order to unreported measures in the House of Representatives; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr.

ABERCROMBIE, Mr. ALLEN, Mr. ANDREWS, Mr. ACKERMAN, Mr. BALDACCIO, Mr. BARRETT of Wisconsin, Mr. BISHOP, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BORSKI, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. BUYER, Mrs. CAPPS, Ms. CARSON, Mr. CHAMBLISS, Mrs. CLAYTON, Mr. CLAY, Mr. COSTELLO, Ms. DANNER, Mr. DELAHUNT, Ms. DELAUNO, Mr. DIXON, Mrs. EMERSON, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Mr. FARR of California, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. FROST, Ms. FURSE, Mr. GEJDENSON, Mr. GEKAS, Mr. GILCHREST, Mr. GREEN, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HILLIARD, Mr. HINCHEY, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. HULSHOF, Mr. HUTCHINSON, Mr. JACKSON, Mrs. JOHNSON of Connecticut, Mr. JONES, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND of Wisconsin, Mr. KINGSTON, Ms. KILPATRICK, Mr. LAFALCE, Mr. LEWIS of Georgia, Mr. LOBIONDO, Ms. LOFGREN, Mrs. LOWEY, Mr. MANTON, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mr. MASCARA, Mr. McDERMOTT, Mr. McGOVERN, Mr. McHUGH, Mr. McNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. METCALF, Mr. MILLER of California, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mrs. MORELLA, Mr. MURTHA, Mr. NADLER, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PASCRELL, Mr. PAUL, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. QUINN, Mr. RAHALL, Mr. REGULA, Mr. ROEMER, Mr. RO-

MERO-BARCELO, Mr. ROTHMAN, Ms. SANCHEZ, Mr. SANDERS, Mr. SANDLIN, Mr. SAWYER, Mr. SAXTON, Mr. SCOTT, Mr. SCHUMER, Mr. SERRANO, Mr. SHAYS, Mr. SKELTON, Mr. ADAM SMITH of Washington, Mr. SMITH of New Jersey, Mr. SPRATT, Mr. STEARNS, Mr. STENHOLM, Mr. STRICKLAND, Mr. STOKES, Mr. TOWNS, Mr. UNDERWOOD, Mr. WALSH, Mr. WATTS of Oklahoma, Mr. WATKINS, Mr. WAXMAN, Mr. WEXLER, Mr. WEYGAND, Mr. WHITFIELD, and Ms. WOOLSEY):

H.R. 4344. A bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. CHENOWETH (for herself, Mr. BOYD, Mr. PETERSON of Pennsylvania, Mr. CANNON, Mr. MCINNIS, and Mr. ROGERS):

H.R. 4345. A bill to authorize the continued use on national forest and other public lands of the alternative arrangements that were approved by the Council on Environmental Quality for windstorm-damaged national forests and grasslands in Texas; to the Committee on Resources.

By Mr. BUNNING of Kentucky:

H.R. 4346. A bill to amend the Internal Revenue Code of 1986 to provide exemptions from taxation with respect to public safety officers killed in the line of duty; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 4347. A bill to authorize the Architect of the Capitol to establish a Capitol Visitor Center under the East Plaza of the United States Capitol, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS:

H.R. 4348. A bill to amend section 5137 of the Revised Statutes of the United States to allow national banks to continue to hold passive investments in certain subsurface rights acquired in the course of the banking business and carried on the books of the bank for a nominal amount; to the Committee on Banking and Financial Services.

By Mr. SMITH of New Jersey (for himself, Mr. ENGLISH of Pennsylvania, Mr. PAUL, Mr. ENSIGN, and Mr. SHAYS):

H.R. 4349. A bill to amend the Internal Revenue Code of 1986 to provide for an exception from penalty tax and exclusion from income for certain amounts withdrawn from certain retirement plans for qualified long-term care insurance and a credit for taxpayers with certain persons requiring custodial care in their households; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. OXLEY, and Mr. LARGENT):

H.R. 4350. A bill to amend title 18, United States Code, to prohibit Internet gambling, and for other purposes; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 4351. A bill to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission; to the Committee on Resources.

By Mr. TAUZIN (for himself and Mr. MARKEY):

H.R. 4352. A bill to amend the Communications Act of 1934 to improve competition in the multichannel video programming distribution market, and for other purposes; to the Committee on Commerce.

By Mr. STUPAK:

H. Res. 512. A resolution expressing the sense of the House of Representatives that the President should focus appropriate attention on the issue of neighborhood crime prevention, community policing and reduction of school crime by delivering speeches, convening meetings, and directing his Administration to make reducing crime an important priority; to the Committee on the Judiciary.

¶77.55 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. SAM JOHNSON.

H.R. 74: Mr. FILNER and Ms. BROWN of Florida.

H.R. 164: Mr. McNULTY, Mr. DOOLEY of California, Mr. DAVIS of Virginia, Mr. DICKS, and Mr. SHERMAN.

H.R. 979: Mr. BILIRAKIS.

H.R. 1073: Mr. LUTHER.

H.R. 1111: Mr. HAYWORTH, Mr. MEEKS of New York, Mr. BONIOR, Mr. HOLDEN, Mr. GOODE, Mr. STARK, and Mr. MILLER of California.

H.R. 1126: Mr. GOODLING, Mr. CARDIN, Mr. FOX of Pennsylvania, Mr. GEKAS, Mr. TALENT, Mr. PITTS, and Mr. HULSHOF.

H.R. 1134: Mr. WELLER.

H.R. 1202: Mrs. JOHNSON of Connecticut.

H.R. 1231: Ms. KAPTUR, Mr. KLECZKA, and Mr. CUMMINGS.

H.R. 1321: Mrs. THURMAN and Mr. HILLIARD.

H.R. 1356: Mr. INGLIS of South Carolina.

H.R. 1383: Mr. RIGGS.

H.R. 1450: Mr. KLINK.

H.R. 1542: Mrs. BONO.

H.R. 2023: Mr. BISHOP.

H.R. 2397: Mr. KILDEE, Ms. BROWN of Florida, Mr. SNOWBARGER, Mr. JOHN, Mr. ABERCROMBIE, Mr. NUSSLE, Ms. DUNN of Washington, and Mr. BACHUS.

H.R. 2408: Ms. MCCARTHY of Missouri.

H.R. 2468: Mr. RANGEL.

H.R. 2497: Mr. RIGGS.

H.R. 2568: Mr. MCINTYRE.

H.R. 2635: Mr. DAVIS of Virginia.

H.R. 2660: Mr. MARTINEZ.

H.R. 2670: Mr. FOLEY.

H.R. 2697: Mr. GOODE, Mr. KILDEE, and Mr. FORD.

H.R. 2721: Mrs. MYRICK.

H.R. 2723: Mr. WATTS of Oklahoma.

H.R. 2828: Mr. GILMAN, Mr. STOKES, Ms. WATERS, Mr. ENGLISH of Pennsylvania, Mr. MANTON, Mr. BOYD, Mr. PASTOR, Mr. SAXTON, Mr. BILIRAKIS, Mr. RAMSTAD, Mr. CHAMBLISS, Mr. WATTS of Oklahoma, Mr. SOLOMON, Mr. REGULA, and Mr. ACKERMAN.

H.R. 2882: Mrs. BONO and Mr. SCHUMER.

H.R. 2900: Mr. MATSUI.

H.R. 2914: Mr. GREENWOOD and Mr. CRAMER.

H.R. 2931: Mr. RANGEL.

H.R. 2953: Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, and Ms. KILPATRICK.

H.R. 2968: Mr. ROMERO-BARCELO.

H.R. 2990: Mr. DAN SCHAEFER of Colorado, Mr. COLLINS, Mr. MILLER of California, and Ms. GRANGER.

H.R. 3008: Mr. FORBES.

H.R. 3050: Mr. GEJDENSON and Mr. BOUCHER.

H.R. 3070: Mr. McGOVERN, Ms. LOFGREN, and Mr. DEFAZIO.

H.R. 3081: Mr. BLUMENAUER and Ms. STABENOW.

H.R. 3177: Mr. BARTLETT of Maryland.

H.R. 3181: Mr. RANGEL.

H.R. 3207: Mr. SCHUMER.

H.R. 3217: Mr. PORTMAN and Mr. TANNER.

H.R. 3231: Ms. JACKSON-LEE.

H.R. 3248: Mr. BUYER and Mr. BRADY of Texas.

H.R. 3261: Mr. HOSTETTLER.

H.R. 3262: Ms. MCCARTHY of Missouri and Mr. FORD.

H.R. 3284: Mr. SNYDER.
H.R. 3304: Mr. BLUMENAUER.
H.R. 3320: Ms. MILLENDER-MCDONALD.
H.R. 3341: Mr. PALLONE.
H.R. 3501: Mr. MCCREERY.
H.R. 3550: Mr. THOMPSON.
H.R. 3567: Mr. MANZULLO.
H.R. 3610: Mr. BARTLETT of Maryland.
H.R. 3688: Mr. STENHOLM, Mr. COMBEST, Mr. FROST, Mr. SESSIONS, Mr. BONILLA, Mr. DOOLEY of California, Mr. BARTON of Texas, and Mr. BUNNING of Kentucky.
H.R. 3741: Mr. TRAFICANT.
H.R. 3747: Mr. SANDLIN.
H.R. 3773: Mr. KUCINICH.
H.R. 3795: Mr. ENGEL.
H.R. 3814: Mr. LEWIS of Georgia, Mrs. MINK of Hawaii, Mrs. THURMAN, Mr. KILDEE, Mr. RANGEL, and Mr. ALLEN.
H.R. 3821: Mr. LAHOOD, Mr. MARKEY, Mr. FORD, Ms. HARMAN, Mr. SKAGGS, Ms. PELOSI, and Mr. TOWNS.
H.R. 3831: Mr. LANTOS and Mr. FORD.
H.R. 3865: Mr. ENGEL.
H.R. 3879: Ms. DANNER, Mr. COMBEST, and Mr. INGLIS of South Carolina.
H.R. 3916: Mr. FARR of California, Mr. BACIA of Michigan, Mr. STRICKLAND, and Ms. KAPTUR.
H.R. 3925: Mr. MARTINEZ.
H.R. 3932: Ms. FURSE and Mr. OWENS.
H.R. 3981: Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. DELAHUNT, Mr. ENGLISH of Pennsylvania, Ms. MCCARTHY of Missouri, Mr. PICKETT, Mr. DAVIS of Virginia, and Mr. SCOTT.
H.R. 4006: Mr. DOYLE, Mr. PETERSON of Minnesota, Mr. LAHOOD, Mrs. MYRICK, Mr. GOODLATTE, Mr. PEASE, Mr. SUNUNU, and Ms. PRYCE of Ohio.
H.R. 4007: Mr. HANSEN and Mr. OWENS.
H.R. 4037: Mr. SKEEN, Mr. SNOWBARGER, Mr. NETHERCUTT, and Mr. CHABOT.
H.R. 4061: Mr. FOX of Pennsylvania.
H.R. 4067: Mr. SNOWBARGER.
H.R. 4070: Mr. MARKEY.
H.R. 4071: Mr. BAKER and Mr. LEWIS of Kentucky.
H.R. 4135: Mr. SCHUMER, Ms. KILPATRICK, Mrs. CLAYTON, Ms. NORTON, and Mr. HILLIARD.
H.R. 4145: Mr. BRADY of Pennsylvania, Mr. YATES, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. CLAY, Mr. RUSH, Ms. CHRISTIAN-GREEN, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. RANGEL, Mrs. CLAYTON, Ms. FURSE, Mr. BISHOP, Mrs. MEEK of Florida, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. THOMPSON, Mr. DAVIS of Illinois, Mr. OWENS, Mr. FILNER, Mr. BARRETT of Nebraska, Ms. NORTON, and Ms. ROYBAL-ALLARD.
H.R. 4152: Mr. BROWN of Ohio, Ms. NORTON, and Ms. KILPATRICK.
H.R. 4183: Mr. BOEHLERT.
H.R. 4184: Mr. BONIOR and Mr. FROST.
H.R. 4185: Mr. BONIOR and Mr. FROST.
H.R. 4196: SAM JOHNSON.
H.R. 4197: Mr. STUMP, Mr. GILLMOR, Mr. SAM JOHNSON, and Mr. METCALF.
H.R. 4204: Mr. CHAMBLISS.
H.R. 4206: Mr. MANTON, Mr. ENGEL, Ms. WOOLSEY, Mr. WAXMAN, Mr. DELAHUNT, Mr. RANGEL, and Mr. VENTO.
H.R. 4211: Ms. NORTON, Ms. JACKSON-LEE, Mr. JENKINS, Mr. BEREUTER, Mr. MEEKS of New York, Mr. RUSH, Mr. BRADY of Pennsylvania, Mr. ADERHOLT, Mr. KENNEDY of Rhode Island, Ms. RIVERS, Mrs. MEEK of Florida, and Mr. FORD.
H.R. 4213: Mr. TOWNS, Mr. PITTS, and Mr. HOUGHTON.
H.R. 4217: Mr. HOSTETTLER and Mr. METCALF.
H.R. 4220: Mr. ENSIGN, Mr. RILEY, and Mr. KUCINICH.
H.R. 4224: Mrs. MALONEY of New York and Mr. POSHARD.
H.R. 4233: Mr. WAXMAN, Ms. LOFGREN, Mr. YATES, Mr. ACKERMAN, and Mr. MALONEY of New York.

H.R. 4248: Mr. BOYD.
H.R. 4252: Mr. PALLONE and Mr. LEWIS of Kentucky.
H.R. 4258: Mr. PICKERING.
H.R. 4281: Mr. HOSTETTLER, Mrs. MYRICK, Mr. METCALF.
H.R. 4293: Ms. VALAZQUEZ and Mr. DOYLE.
H.R. 4296: Mr. YATES, Mr. MILLER of Florida, and Mrs. MYRICK.
H.R. 4300: Mr. BONILLA, Mr. SOLOMON, Mr. SPENCE, and Ms. WATERS.
H.R. 4301: Mr. BUNNING of Kentucky.
H.R. 4308: Mr. GILMAN, Mr. OWENS, and Mr. BONIOR.
H.R. 4309: Mr. SAXTON.
H.R. 4312: Mr. METCALF.
H.R. 4314: Mr. HOUGHTON.
H.R. 4321: Mrs. KELLY.
H.R. 4324: Mr. DREIER, Mr. NORWOOD, and Mr. GILLMOR.
H.R. 4330: Mr. ADERHOLT and Mr. DUNCAN.
H.R. 4339: Mr. MCINTOSH, Ms. STABENOW, Mr. GOODE, Mr. LUCAS of Oklahoma, Mr. HALL of Texas, Mr. SANDERS, Ms. DANNER, Mr. RILEY, Mr. WATKINS, Mr. BORSKI, Mr. MASCARA, Mr. HILLIARD, Mr. RODRIGUEZ, and Mr. CLEMENT.
H. Con. Res. 264: Mr. MARTINEZ.
H. Con. Res. 286: Mr. DEUTSCH, Mr. JACKSON, and Mr. CLAY.
H. Con. Res. 287: Mr. LAFALCE.
H. Con. Res. 292: Mr. JACKSON.
H. Con. Res. 299: Mrs. BONO, Mr. INGLIS of South Carolina, Mr. ROYCE, and Mr. FOLEY.
H. Con. Res. 309: Ms. NORTON, Ms. BROWN of Florida, and Ms. MCINNEY.
H. Con. Res. 312: Mr. ROHRABACHER.
H. Res. 313: Mrs. CAPPS, Ms. BROWN of Florida, and Ms. DEGETTE.
H. Res. 483: Mr. WAXMAN, Mr. MARTINEZ, Mr. FROST, and Mr. DIXON.
H. Res. 503: Mr. BALLENGER, Mr. TRAFICANT, Mrs. FOWLER, and Mr. LARGENT.

77.56 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1515: Mr. DAVIS of Illinois.
H.R. 2801: Mr. STABENOW.
H.R. 3000: Mr. FORD.
H.R. 3262: Mr. Frost.
H.R. 3396: Mr. DAVIS of Illinois and Mr. MORAN of Virginia.
H. Res. 375: Mr. FAZIO of California.

THURSDAY, JULY 30, 1998 (78)

78.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. EMERSON, who laid before the House the following communication:

WASHINGTON, DC,
July 30, 1998.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

78.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. EMERSON, announced she had examined and approved the Journal of the proceedings of Thursday, July 29, 1998.

Pursuant to clause 1, rule I, the Journal was approved.

78.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

10394. A letter from the Secretary of Housing and Urban Development, transmitting notification that it is estimated that the limitation on the Government National Mortgage Association's ("Ginnie Mae's") authority to make commitments for a fiscal year will be reached before the end of that fiscal year, pursuant to 12 U.S.C. 1721 nt.; to the Committee on Banking and Financial Services.

10395. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Department's final rule—Authority to Approve Federal Home Loan Bank Bylaws [No. 98-32] (RIN: 3069-AA70) received July 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10396. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Land Disposal Restrictions for Newly Identified Wastes; And CERCLA Hazardous Substance Designation and Reportable Quantities [SWH-FRL 6122-7] (RIN: 2050-AD88) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10397. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable [FRL-6126-8] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10398. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Revision of Part 2 of the Commission's Rules Relating to the Marketing and Authorization of Radio Frequency Devices [ET Docket No. 94-45 RM-8125] received July 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10399. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fowler, Indiana) [MM Docket No. 98-38 RM-9223] received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10400. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Israel [DTC 78-98] received July 29, 1998, pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10401. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Belgium [RSAT 3-98] received July 17, 1998, pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10402. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

10403. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.